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A NUMBER of things have occurred during the past week or so in connection with the policy of Japan of making use of conditions created by the war in Europe to extend its influence in Asia. It will be remembered that the French press and people have been expressing themselves very favorably, indeed enthusiastically, towards an invasion of Siberia by the Japanese. It is an open secret, however, that the sentiment of America is against any such step on the part of Japan, although America's official attitude is that it is not opposed to Japanese occupation, but neither is it in favor of same unless a greater necessity for it should develop than has appeared up until this time. Just for the moment Japanese interest in any plan to invade Siberia in a military way has not been very strong, although it is to be borne in mind that this matter will come up again in the course of several months in an acute form when the next instalment of

interest on the large quantity of Russian bonds held in Japan becomes payable. The Bolsheviks have announced that they will refuse to pay this interest, and already several months ago the Japanese Government took the precaution of floating a loan of fifty million yen and taking up from the Japanese people the Russian paper which was in their hands. The result, of course, is that the bonds have now come into the hands of the Government and when the next instalment of interest becomes due it will be the Japanese Government that will demand payment, and not several thousand individual Japanese investors.

IT would not be an altogether unheard of thing for a Government to despatch an armed force in order to collect a debt from a neighboring country, and we believe it may be safely assumed that the Japanese Government is quietly biding its time until a more opportune moment for the consummation of its plans arrives. In the meantime the pent-up energy of the Nipponites has been deflected to China. For the past several weeks there have been ominous murmurings from the Capital that Japan has been pressing China for some very substantial concessions, and the hue and cry went forth from the more Radical element of the Chinese populace, and particularly from the student body, including especially that temporarily domiciled in Japan, that "China was being sold to Japan." The students in Japan became rather boisterous in their opposition to the negotiations going on in Peking, and while no exact particulars of what is happening are available—the Japanese Government having sufficient influence in Peking to intimidate the Chinese who really know what is happening from disclosing the details—still the agitation of the students had one important result, and that was a direct admission in a Japanese official statement that

such negotiations—whatever they are—were in progress. The official statement *naively* interpolated the “information” that it would be premature to make any statement as to what was going on, but that the Chinese, students and others, could be assured that whatever steps were being taken only had for their object the thwarting of the German menace in the Far East; just what that menace is, however, the Japanese did not state, but it is not out of place to mention that quite a propaganda of publicity was in operation in Japan a month or two ago to make everybody in the Far East believe that there was grave danger that the many German and Austrian prisoners in Siberia who had escaped from their military confinement would join in a military offensive against China, and presumably also against Japan. But the afore-mentioned propaganda failed in its prime object for a number of reasons, one of them being that investigations by a number of responsible Americans, and it may be added also several Japanese, disclosed the fact that the “news” of many prisoners in Siberia escaping had been greatly exaggerated; and further—it turned out that it was the policy of the German Government (and when we speak of the Germans we include the Austrians) to withdraw their prisoners from Siberia, they actually having backed up a demand for their release and return to Germany by a threat of force against the Bolsheviks.

AND now we come down to Baron Hayashi's visit to China, and particularly to Shanghai. The Baron arrived in Shanghai during the early part of the week, met a great many of the leading Chinese in this vicinity, and from all accounts he apparently tried to make himself as agreeable and popular as he possibly could. The Chinese celebrities of Shanghai, however, kept their eyes open and did not allow the camouflage of the Baron's pleasing personality to blind their perception of present tendencies in China, but took advantage of the opportunity to address letters to him explaining the Chinese point of view. There was one letter from the Shanghai Chamber of Commerce for transmission to the Japanese people and another by the student body addressed direct to Baron Hayashi. The letter from the merchants was signed by the Cantonese Guild, the Ningpo Guild and the Shaoshing Guild. In the course of their letter the merchants said:

“Now that the Japanese Minister is in Shanghai, we wish to take the opportunity to express our unanimous views regarding the question. It is necessary to inform him that the one desire of the Chinese people is to maintain peace in the Far East. We would urge him, therefore, to request his own Government (Japanese) not to carry on a policy of territorial aggression under the cover of friendly relations, nor to heap sufferings on us by means of extravagant loans.”

The letter of the students, among other things, asked why there was so much secrecy being observed about the negotiations going on between China and Japan, and if the terms of same are really acceptable to China. The concluding paragraph of the letter of the students contained the following sharply worded sentences:

“We warn you that serious developments might result to destroy the friendly relations between China and Japan if the new treaty were signed in spite of the opposition of the people of this country. Not only the peace of the world will be affected but both countries (China and Japan) will suffer. It is our hope therefore that Your Excellency will urge your Government to stop the negotiations in order to enhance the real cordial relations between the two countries.”

IN connection with the negotiations that are going on in Peking between China and Japan a telegram was sent to a Shanghai daily paper several days ago by Putnam Weale to the effect that the Russians had mortgaged the Changchun-Harbin Railway to Japanese capitalists. Whether or not this is true one can hardly see what occasion there was for the *North China Daily News* to brand such a statement as a “malicious canard.” Even though the information should turn out not to be true there is not necessarily anything malicious in stating that such is the case. Indeed it would be in the natural course of events for a consummation of that sort to be carried out, for it is always to be remembered that negotiations, not merely for mortgaging but for turning over full title of this line to Japan, were in progress at the time the war in Europe broke out; and it is an undoubted fact that had the war not supervened this line would have been diverted into Japanese hands long ago. It is only natural that Japanese interests should take advantage of every opportunity to secure this Railway, and there can be no question about it that if one looks at the matter merely as a business proposition, every merchant in the Far East, whether of Japanese or any other nationality, who has goods to send into North Manchuria, longs for the day when the illy-managed Russian section of the route from here to Harbin is converted to a standard gauge and managed with some approach to efficiency and honesty. The inconvenience which shippers were put to a year or so ago by the combined stupidity and chicanery of the Russian railway people in the vicinity of Changchun has by no means been forgotten.

A SOMEWHAT remarkable development has taken place in Japan in connection with the recent donation by a prominent American philanthropist, Mr. Hepburn, of \$100,000 for the creation of an American Chair in the Tokio Imperial University. According to the *Hochi*, on April 24 Okada Ryohei, the Minister of

Education, invited the Professors of the College of Literature in the Tokio Imperial University to a conference at his official residence, when the Professors were surprised to be told by the Minister that a "Shinto Chair" would be created in the College of Literature in order to stamp out "democratic ideas" in the country, and that the graduates of this course would be appointed directors of various schools in Japan. In this connection our Japanese contemporary quotes one of the Professors present as saying:—

"The University is somewhat embarrassed by this new departure. Mr. Hepburn (a relation of the well-known missionary and linguist Dr. Hepburn) recently donated \$100,000 for the creation of an American Chair in the University for the purpose of promoting friendship between Japan and the United States. Drs. Nitobe and Minobe have been appointed lecturers, but the Government has not yet given its official recognition. The University has already spent some of the donation, and is surprised that permission for the establishment of the Chair has not yet been given. The reason why permission is withheld is stated to be due to Mr. Okada, the Minister of Education, being of opinion that the *democratic ideas of the United States should not be disseminated in Japan*. If Mr. Hepburn asks why the American Chair cannot be created, the University will be at a loss to answer, for it can hardly reply with good grace that the Minister of Education fears the dissemination of American democratic ideas. There have recently been rumors of a College of Religion being created, and these have now taken form in the creation of a Shinto Chair."

The foreign-edited *The Far East* (Tokio) in commenting on the situation says: "Modern Japan is, in many ways, a dual nation; she has a dual diplomacy—it is Japan's fate; At home she holds fast to the most archaic forms—in America her spokesmen will hold forth at banquets with such a show of radicalism that Americans wonder if they are democrats or simply amateurs at the game! Japan is anti-democratic—bureaucratic. There is a democracy in Japan, but it is of a peculiar kind, and not concerned with the western form of democracy. Mr. Okada, in the stand he takes against the entrance of democracy ideas into the Imperial University, is acting in accordance with law."

THIS week American Red Cross Chapters in all of the important cities of China will take part in a campaign to raise funds for the relief of wounded soldiers of the Allied armies on the battle-fields of Europe. A similar campaign will be conducted simultaneously in all parts of the United States and insular dependencies. It is hoped to raise a fund in the United States alone of G. \$100,000,000, and the Chapters in China have set out to raise \$500,000 as their share. If this amount is raised in China it will enable the various branches here to supply 2,000,-

000 bandages for wounded soldiers of the Allied armies. The campaign in China is receiving the active assistance of the Chinese and the success of the "drive" will be due in no small measure to them and their interest in being of assistance in the laudable enterprise. In practically every port and inland city of China committees of Chinese business and professional men have been organized to assist the committees of Americans and foreigners of other nationalities in the campaign. In such cities as Canton and Shanghai the Chinese have alone pledged themselves to bring in a minimum of 50,000 associate memberships to the Red Cross. The "drive" in China will take the form of solicitations for associate memberships at Mex. \$1.50, regular memberships (including subscription to the *Red Cross Magazine*) at Mex. \$3, contributing memberships at G. \$5, life memberships at G. \$50, patron memberships at G. \$100, and associate junior memberships among children at the rate of Mex. \$0.40. In addition to the foregoing there will be a direct solicitation of funds for support of Red Cross war activities. This will be done through the sale of Red Cross stamps to both Chinese and foreigners. The stamps are in denominations of Mex. \$0.10 and \$0.25, and purchasers are supposed to attach them to letters, mail matter and packages so that the work of the Red Cross may be thoroughly advertised in all parts of the country. Engraved certificates will be given to persons purchasing large quantities of stamps and, in addition, persons taking out life and patron memberships in the Red Cross will receive a certificate containing the autograph of President Wilson, the head of the American National Red Cross. China's great interest in this Red Cross campaign, which is a matter of extreme gratification on the part of

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Americans and all other foreigners interested in China's welfare, is due largely to two reasons: First it is China's first opportunity whereby all of her citizens may be of direct active assistance in a war enterprise, and second, China's great interest in swelling the Red Cross fund is due in no small measure to China's appreciation of the assistance that the Red Cross has extended to this country in the past. There is still another reason for the activity of the enlightened Chinese in this enterprise, and that is their knowledge that this campaign will do much to carry to the Chinese masses the knowledge that China is in the war, and should contribute her part along with America, Britain, France, Italy and the other Allies. In last week's REVIEW was mentioned the very grave danger in store for China and the Allied cause in case the extensive German propaganda in this country is not stopped or counteracted. The coming Red Cross Drive is the best possible answer to the propaganda. If every Chinese and foreign Red Cross worker will keep this fact firmly in mind during the coming week, there will be no question regarding China's sentiments when the returns are all in next Saturday night.

THE death occurred during the week, at the age of 77, at Nice (southern France) of James Gordon Bennett, proprietor of the *New York Herald* and its counterpart, published in Paris. The late Mr. Bennett's two great newspapers, one published in the greatest city of America and the other in the greatest city of France, have been most powerful weapons against the Central Powers, and his death removes a man who had an insight into international affairs such as few other men had. Like his father, who founded the *New York Herald*, he conducted his journals with vigor and enthusiasm. The days of the personal journalism of the elder Bennett have passed away, and the newspapers nowadays do not contain such articles as "Editor Bennett Gets Another Thrashing," or editorials notifying the subscribers to imagine the joys of the editor upon his honeymoon, published at the time of the elder Bennett's marriage. Nevertheless the *New York Herald* has an individuality of its own and is particularly prized by American readers who take an interest in European affairs. It must be admitted, however, that Mr. Bennett had some rather peculiar ideas of management, and his New York staff, always in somewhat of a "stew," was quite frequently changed. In order to win a bet on one occasion Mr. Bennett wired to New York "firing" the managing editor and appointing the office boy in his place; this merely to prove that his organization was so perfect that it would go along of its own momentum without any

head. The *Herald* newspaper office in New York City is unique among the buildings of the American metropolis, it being a replica of the Doge's palace in Venice, and is the only building in New York devoted entirely to housing a newspaper plant. Several years ago Mr. Bennett was married to Baroness de Reuter, widow of the founder of the well-known British telegraph service. Mr. Bennett lived almost constantly on board his yacht, which was most luxuriously furnished, and on board of which a thoroughbred cow supplied the daily requirement of milk. He managed his newspaper in New York by means of long daily telegrams, and although his office in the New York building was always kept vacant and ready for his occupancy, he had not visited it more than once, and then only for a few days, in a decade.

"Mandarin" to Supersede all Dialects in China

BY HOLLINGTON K. TONG

AN organized effort to make Mandarin the only spoken language of China and to do away with a hundred dialects now in existence is to be made immediately. This decision was reached at the Educational Conference of the Presidents of the High Normal Colleges held in Peking two weeks ago. Beginning this summer, country-teachers will be required to take courses in special institutes of Mandarin, where phonetic scripts will also be taught. The dispatch of an educational commission to America in 1919, the adoption of special means to unify educational methods, the provision of positions for trained teachers, and the formation of a college alliance were other decisions at this notable gathering of educationalists.

The Conference was the first of the kind since the establishment of the Republic seven years ago. Its significance cannot be lightly estimated. Throughout the country there are six High Normal Colleges whose formation has been authorized by the Ministry of Education. They are located at Peking, Nanking, Wuchang, Chengtu, Canton and Fengtien, which places are considered strategic points of China educationally. The establishment of the High Normal College at Fengtien last April completed the plan framed by the Ministry of Education during Yuan Shih-kai's time. The function of these institutions is to supply teachers to innumerable secondary schools, and the great burden of improving and spreading education also rests with them.

The decisions made at the Conference were in the form of recommendations, but all of them have now been approved by the Minister of

Education, who is sympathetically disposed toward the reforms. They constituted for China, in reality, a comprehensive educational program worthy of special attention. The resolution to teach Mandarin to country-teachers, so that they can some day conduct their teaching in that language, when it is properly carried out will unify the country and tear down the wall of provincial prejudice. Even Chinese themselves find it difficult to travel from one part of the country to another part on account of the use of so many different dialects, which frequently lead to misunderstandings or non-understandings. In the South, for instance, the egg is called *tan* whilst in the north it is called *chihtsz*, but a *chihtsz* to the Southerner means an heir or a chicken. An interesting story is told of a Shanghai man who, upon his first arrival at Peking, went straight to a typical metropolitan restaurant and ordered a plate of scrambled eggs. He said: "Some *ts'ao-tan*." At hearing *ts'ao-tan* the Northern waiter was so angry that he refused to take any order and began to argue with him. The confounded Shanghai man failed to grasp the significance of the new situation and he also became equally indignant. After a lengthy altercation he departed in disgust for the Kiangsu Guild, where lived a wise man—a fellow provincial of his—who had been in the Capital for over two years. From the wise man he learned that *ts'ao-tan* was profanity in its worst form and that he was lucky enough to get off scot-free. The usefulness of having a universal spoken language for China is too evident to need further explanation or illustration. Many schools, colleges and universities throughout the length and breadth of the Republic have already commenced to give courses in Mandarin, but the effort of the High Normal Colleges to teach it to country-teachers represents the latest.

The decision to send an educational commission to America is not less important and interesting, consisting as it will of the Presidents of the High Normal Colleges and delegates from the Ministry of Education. A similar commission was dispatched to the Philippines and Japan in the summer of 1917. Upon their return its members grafted into China's educational system new and better features. The forthcoming visit of prominent Chinese educationalists will likewise result in learning much of the new educational system used in the United States and its eventual adoption by schools in China. For the suggestion of sending this Commission, Dr. P. W. Kuo was mainly responsible. Acting President of the High Normal College at Nanking, Dr. Kuo is a Ph. D. from Columbia University, New York, having studied under well-known professors like Paul Monroe,

John Dewey, Trayer, McMurry and Thorndike. For preparing himself to be an up-to-date educationalist, he spent nine years (from 1906 to 1914) in America. After studying science at Wooster University, he attended the Teachers' College at Columbia, where he graduated with the highest degree which it could confer. His subject for the Doctor's Dissertation was the "Chinese System of Public Education," in which he thoroughly discussed the subject, leading back 2,000 years and tracing China's educational development down to the most recent times. Upon his return home he was appointed Dean of the Nanking High Normal College, a member of the Kiangsu Educational Commission to Europe and America, President of the Lowrie Institute and of the Chekiang Provincial College, Vice-President of the East China Educational Association, and Editor of the *English Student* and the *English Weekly*. A wonderful record within so short a space of time! Dr. Kuo will be a member of the educational commission to America next year, and the other members of the Commission, with his assistance, will be able to learn much on the trip.

The unification of educational methods as decided upon provides that two-thirds of the students for each High Normal College should come from the other seventeen provinces and the special dominions, and one-third from the province in which the school is located. Such a system, aside from removing local prejudice, is bound to make the educational methods more uniform. Recommendation for the immediate certification of secondary school teachers, when carried out, will result in the elimination of those who do not possess sufficient qualifications and the taking into service of normal college graduates. The division of the country into six educational districts in which are located these colleges is no less praiseworthy. The Presidents, according to the plan, will be required to visit their districts and study their needs with a view to meeting them. More practical teachers, it is hoped, will be turned out in future. The formation of an alliance among the High Normal Colleges for mutual assistance will make educational work much easier and less irksome, as its heads will meet once a year to exchange ideas, thrash out difficulties and consider questions of common interest. The first conference took place in the Capital, and the next one will probably be held at Nanking, the second important city of the country, which has already supplied the Republic with two of its Presidents. The Minister of Education plays an important part in such conferences.

The Presidents of five High Normal Colleges are returned students from Japan, I am informed, whilst only the Normal College at

Nanking is headed by a returned student from America, namely Dr. Kuo. Chinese graduates of American, European and Japanese universities are found on the faculties of these institutions. Students in each college vary between 600 and 1,200, including those in the model, middle and primary schools, which have been established in order to give prospective teachers an opportunity to practise teaching and carry on research work.

Four months ago I visited one of these High Normal Colleges and was highly impressed with its efficiency. At a distance I saw a cluster of houses of imperial color surrounded by a gray brick wall, standing majestically by the side of a hill on which many battles during the first revolution took place. In a few minutes my carriage took me into this enclosure and I found myself standing in front of the college. I counted the main buildings on the campus, and there were six, each of which is large enough to accomodate two hundred students. Here and there are vacant grounds which admit of expansion in future, and such expansion is necessary owing to the importance which the city, due to political reasons, has recently assumed. The campus is unfortunately devoid of trees. On the western side are located buildings for the model, middle and primary schools, bordered by a tiny brook with running water. These, I was told, serve as the laboratory for future teachers. Near to the main entrance on the eastern side are situated the collegiate buildings, neat and tall. Established in 1915, located in the center of the city and occupying five hundred mow of land, this National High Normal College was gradually built up by Dr. Kuo himself, to whom is due all credit. It has altogether five hundred and thirty students, of which number three hundred belong to the college. Thirty-five teachers are engaged in teaching, twenty-five of whom are returned students from America and Japan. In addition four American professors are employed.

The College has eight departments, the Chinese, physics and chemistry, mechanics, arts, English, physical education, agriculture and commerce. A new department of education has recently been added. Three to four years will be required for graduation, and the entrance of students to this institution is by competitive examinations. Last year twenty-six students graduated from the Chinese Department, and all of them are now serving as teachers in secondary or higher schools. This summer thirty-three students will graduate from the Physical Education Department, and upon their graduation they will become managers of the playgrounds or physical directors. They can play golf, tennis, baseball and football, and are taught Swedish folk dances, but, I was assured, no one-steps, tangos, foxtrots or waltzes.

In physical education Chinese boxing is specially emphasised. Two experts have been engaged to teach the students this much neglected but useful Chinese science. They are graduates of the Boxing Institute at Tsinan, founded by Brigadier-General Ma Liang, who had developed a system and could teach it by class: It is interesting to see several hundred young men receive their instructions in boxing at the same time. The students are also required to spend a few minutes every morning for practising the Muller system of breathing.

The College has an educational association under which have been founded eighteen clubs and societies for the development of self-reliance and leadership. It has a cooperative store run along the same line as cooperative stores in American universities. It will soon have a college bank, the equal of which is not yet known on the other side of the Yangtsekiang River. It has a band to arouse the martial spirit of the students. It has a library containing a moderate collection of all modern books in many languages to supply the intellectual wants of the college community. It maintains a regular model farm, which raises all kinds of vegetables, lettuce, radishes, cabbages, tomatoes, potatoes, rice, corn and a hundred other products. Agricultural students spend two months in the summer on the farms in Kiangsu and Anhwei conducting investigations to increase the productiveness of the soil. Their teachers are graduates of such high-standing agricultural colleges as Iowa and Cornell. The college has wood shops, foundry, forging and mechanic rooms, from which issue forth a myriad of confused noises of banging, cranking and bellowing—indicating that all these scholastic activities, which were unheard of a decade ago, are rapidly turning out a nucleus of industrial China. It has its own electric plant, the smoke belching from the chimney blackening the blue sky. Students in the college are free from tuition, board and even lodging, whilst for those in the middle or primary school a small fee is charged. The college, to all intents and purposes, is a little republic by itself, with its self-governing body to direct its manifold activities. Its students are citizens; its teachers, the Cabinet Ministers; and its head is the President. For all this, the Government spends less than \$200,000 a year!

The other five High Normal Colleges, I feel certain, are doing as well, if not in a typical American way, in typical Japanese ways. Such educational institutions are holding out a ray of hope for China and her four hundred million people, who are still groping in the dark for the means of salvation.

Peking, May 11.

An Indian's Impressions of Japan

BY H. P. SHASTRI

For two years an instructor in the Gita Society of Waseda University (Japan)

CCHEERFULNESS, which is one of the surest causes of success in life, is writ on the faces of the children of Dai Nippon. Go wherever you may—in the street, market, farm, theater or a funeral procession—you will be greeted by cheerfulness. St. John said, "Rejoice, for the Kingdom of heaven is at hand," and Buddha called *modata* or cheerfulness a sign of spirituality. There is deep-seated spirituality in the heart of Japan and cheerfulness is an index to it. No true progress is possible without being backed by spirituality. The fate of Rome, Media and Greece bear evidence to this fact. What makes me so hopeful about the future of this nation is my conviction, supported by ample personal experience, as to the inner spirituality of Japan.

But the political life in Japan is at a low ebb. Except in Tokio, Kyoto and Osaka, people hardly take any genuine interest in politics. Excepting the men of experience and culture there are few Japanese young men who really understand true politics. I noted with pain that most of the students of the Imperial Universities and many of the journalists of Tokio share imperialistic views. I often heard it said: "We must make Japan great whether by foul means or fair. There are no such things as justice or honesty in politics." "Our end should be spiritual no matter what the means applied may be." It is a pity that this tendency is growing and is being fostered by some of the responsible men too. I attribute China's distrust to this dangerous tendency of the thought of young Japan. Some time ago I heard with feelings of consolation that some of the true politicians were devising means to eradicate the germs of this evil thought.

General indifference to the Chinese is prominent in the young Japan. During my stay of about two years in the midst of university quarters I did not notice a single instance of a Japanese and a Chinese student being friendly to each other. For this both the Chinese and the Japanese are to blame. The Chinese is too exclusive and the Japanese is too cold to the Chinese. There are many boarding-houses in Hongo (Tokio) where Chinese are not admitted. I was unable to understand why the Japanese who is so kind and friendly to the Hindu, the Philippino, the Siamese and the European is so indifferent to his next door neighbor, the Chinese. To rectify this evil it is imperative that young men's

Sino-Japanese associations be established in Japan and China so that each may understand the other.

In the field of industry I noticed that the Japanese can hold his own.

There are three factors which are considerably in favor of Japan in the field of industry: (1) cheap labor, (2) earnest attempts at efficiency, (3) perseverance. From morn till late at night the whole family of a Japanese engaged in industry is toiling and toiling. In the small hut the husband, the wife and the daughters are hammering on, trying to be efficient. Except on the 15th and 30th of each month they have no holidays.

The Japanese is well known for his patriotism, but it remains to be understood by him that true patriotism is of a nature divine and carries the seeds of goodwill and sympathy to the whole world. The Japanese is becoming more and more democratic but still a large number of men are preaching the gospel of "might is right," though I am sure their opinions neither represent the national thought nor command extraordinary attention.

The Revision of the Customs Tariff in China

The following are the concluding paragraphs of an article on the above subject contributed to the April issue of "St. John's Echo" by Soo Zang Kyi, a student in St. John's College, Shanghai.

THE adoption of high tariffs has been the tendency of Europe and America in recent years. The United States is first and Germany second in the order of high tariff rates. England, generally taken as a free-trade country, nevertheless found that the extraordinary revenue required in the Boer War made it necessary for her to restore the duty on sugar, the extra duty on coal, and finally the duty on flour. It suffices, then, to see that in regulating the tariff, the ideas of protection and revenue are present in the minds of Western legislators. While Chinese goods sent to these countries are usually taxed to the extent of thirty or forty per cent, the extremely moderate rate, that is 5% levied on their goods imported into China, betrays an utter lack of reciprocity that should form the fundamental principle of international dealing.

In the year 1913-1914 the customs of the United States yielded about 39 per cent of the total national income. In 1913 the customs and excise of Germany amounted to no less than 45 per cent of her total revenue. In France, in 1914, about 20 per cent of her whole revenue

was supplied by customs. Even Great Britain, which is a free-trade country, depends upon her tariff for financial support. In 1914 the duty Great Britain received from imports constituted 22 per cent of her total income of the year. The actual custom revenue China receives to-day is only about 5 per cent if we take into consideration the fact that her maritime customs consists not only of import duties (as is usually the case in other countries) but also of export duties, coast-trade duties, transit dues, etc. During a period of financial stringency this insignificant tariff duty can yield China no revenue to defray any of her national expenditures beyond paying the principal and interest of foreign loans that have been contracted for the payment of indemnities for foreign powers, the organization of military and naval forces and the introduction of other reforms into China. In order not to destroy her home industries by an increase of internal taxation which would certainly meet with serious objection of the people, it is incumbent on China to revise her tariff according to Western methods for the purpose of protection and revenue.

In the tariff revision of 1902 a suggestion was made to increase the 5% import duty to 12.5 per cent in case China abolished her *likin*, an internal tax established for all goods in transit on account of the Taiping Rebellion. In the matter of this tax foreigners say that their goods should not be subject to *likin* after the payment of a 2½ per cent commutation tax. The Chinese officials, however, blame them for using their privileges for the benefit of the natives and in certain cases refused to respect certificates. Then, too, the decentralization of the Chinese fiscal administration sometimes enables the provincial authorities to levy *likin* on foreign goods in spite of the transit stipulations enforced by the central government. As a consequence the *likin* has given rise to much trouble in foreign trade and China has become more and more determined to abandon it. In December, 1908, the Wai-wu-pu made an attempt to negotiate with the foreign representatives at Peking on the problem of the abolition of *likin* in return for an increase of custom duties. The proposal, however, produced very little effect. Upon her entry into the present war China again brought forth the question and asked for the moral support of the Powers in the centralization and unification of her fiscal system, the removal of her irregular local taxes and the assurance of her sovereignty as an independent nation. Indeed, an early revision of the Chinese tariff is among the most urgent problems of to-day and the consent of the foreign states to China's adoption of a new tariff will have an immense effect upon the growth and development of our country by placing her in a position of equal rights and privileges in regard to trade with the West.

Hangchow—The American University Club's Visit

MORE than half a hundred members of the American University Club, together with a number of their friends, participated in an excursion to Hangchow, the Chinese resort five hours out on the Hangchow Railway, the attractions of which are all too little heard of. Hangchow at present is crowded with sightseers—all Chinese, with a very few exceptions—from all parts of the country, and the University people were rather hard put to it to find sleeping accommodations, although it must be said that the meals supplied at the restaurant nearby under Chinese management were all that could have been expected, and indeed more. The principal hotel is situated in what is known as "new Hangchow" built on the site of the Tartar city destroyed during the Revolution in 1911, which is undoubtedly the best laid out and equipped city purely under Chinese management to be found in the whole country. The streets are broad and well macadamized, the buildings, which include numerous hotels and business premises, are substantially built in semi-foreign style, the streets and buildings are well lighted by electricity, and hundreds of rubber-tired rickshas are at the disposal of the visitor.

To the dweller in Shanghai where the nearest approach to hills within miles are the numerous Chinese graves, with murky streams on all sides, Hangchow with its numerous mountain peaks and pleasant valleys presents a welcome relief, particularly at this time of the year when forests and fields are clothed with an abundance of vegetation. The railway journey thither is through rather monotonous level country, but the lover of nature will find mulberry trees, many kinds of fruit trees, rice plantations, clover patches, and fields of grain of all kinds, the most numerous of course being rice, to engage his attention. In the immediate vicinity of Hangchow there are thousands of tea plantations and, the tea-picking season having just begun, Chinese women and children are to be seen busy picking the youngest and tenderest leaves, which later come into the market under various "chops" of the green tea for which the Hangchow district is famous. Dr. Fitch, of the Hangchow Christian College, met the party at the terminus of the Hangchow Railway, some miles distant beyond the city of Hangchow proper, and conducted them on a four-mile chair journey to the various temples and other points of interest in the neighborhood.

Dr. Fitch in one of his talks to the assembled sightseers explained how one of the ancient pagodas happened to be built of red brick, although it dates to a period several hundred years earlier than the era in which red brick was first manufactured in the country. The story is that Japanese pirates many centuries ago set fire to the outside wooden structure of the building, thereby creating such intense heat that the exterior of the then blue bricks was changed to red, the body of the bricks still retaining their original blue color. One of the assembled sightseers was on the point of asking whether as a result of this discovery it also happened that the Chinese themselves began burning down the wooden structures of the other pagodas in order to enjoy the distinction of having red

pagodas, somewhat on the same theory as the story told by Charles Lamb of how a Chinese farmer's house happened to burn down by accident, but with the result that the family pig was roasted, and then the desire for roast pig became so general that every one in the neighborhood began to burn down his house in order to secure roast pig. But as the party at this point dispersed, the inquisitive one never had a chance to get his question about the red bricks answered.

Unlike the Japanese, the Chinese have not yet reached that stage of "progress" in that they make use of their temples for the sale of beer and other intoxicating liquors. In one of the temples visited at Hangchow, however, the very interesting operation of tea-firing is being carried on, the first crop of the season having been picked about two weeks ago. Hangchow for many miles around is surrounded by tea plantations, many of which are surrounded by willow trees; and it is not an unheard of thing for willow leaves to find their way into the firing pan along with the genuine tea, there being a certain resemblance both in the shape, and to a certain extent in the flavor, of willow and tea leaves.

What is undoubtedly the greatest attraction of the numerous points of interest in the Hangchow neighborhood is the Ying Ling Temple and the magnificent valley in which it is situated. On entering the grounds, which cover several hundred acres, the visitor notes on his left precipitous boulders lining the mountain side, and on the face of these a dozen or more large images have been carved; there are also several grottoes and caves, in the depths of which small-size idols are to be seen (by the light of candles). The temple itself is one of the finest examples of Chinese architecture to be found anywhere, and might be described as a bit of new old-China. The original temple on this site was destroyed during the Revolution of 1911, and the present structure has been but recently entirely completed. One cannot help but admire the skill of the Chinese builders as one gazes on the immense columns, over a hundred feet in height, which support the roof overhead—these being, by the way, specially selected pieces of Oregon pine sold by the China Import & Export Lumber Company of Shanghai to the trustees of the temple. They are painted in bright vermilion, and together with the gold on colored idols surmounting the altar, present a really amazing spectacle. The visit of the University party coincided with a special service participated in by several hundred priests, the occasion being a memorial service by a Chinese widow in honor of her deceased husband. A series of stone steps lead from the temple to the top of the mountain, from which a magnificent view of the lake, the bay, the Chientang River, and the numerous pagodas and temples in the vicinity can be obtained.

No reference of a visit to Hangchow would be complete without calling attention to the fact that neither are the wonderful beauties of the spot sufficiently advertised among foreigners nor are there altogether adequate accommodations for the foreign visitor who does visit this spot. The Hangchow Railway is very well conducted indeed and the party speaks enthusiastically of the accommodations placed at its disposal, at least as regards the actual railway journey. But were Hangchow located in Japan a modern well-equipped hotel under railway management would be found there, and its scenic beauty

would be extolled in pamphlets and periodicals within a radius of thousands of miles. But as things are, however, the greater part of the foreigners in Shanghai have never been to Hangchow, although it is only a five-hours' trip, and indeed many of them have the impression that there is nothing worth seeing there—in which attitude, by the way, they are greatly mistaken.

The Real Colonel House

IN a previous issue of the REVIEW a few paragraphs were printed on the personality of Colonel House, the unofficial Ambassador-at-large of President Wilson, originally contributed to *Leslie's Weekly* by Norman Hapgood, but in view of the great interest which Americans everywhere, including those in China, take in the doings of this astute Texan, the subject is now taken up again, the following paragraphs being principally based upon a series of contributions to the *New York Evening Post* by A. D. Howden Smith.

It is a long way from conditions in Mexico to the war in Europe, but it appears that President Wilson in formulating his policy towards the Republic to the south, which at the time was bitterly attacked not only by a large section of the American press but particularly by the English and French newspapers, who roundly denounced his Mexican policy during 1913 and up to 1914, always kept conditions in Europe in mind. He could at any time have silenced his critics off hand by the simple revelation that so early as the autumn of 1913—for nobody else in the world, outside of a handful of generals and politicians in Germany and Austria-Hungary, and the late Lord Roberts and a few other British thinkers, had really given the matter serious consideration—he and Colonel House between them surveyed the European situation and perceived that the two opposing groups of Powers were drifting toward the war which had been dreaded for a generation.

International developments of the spring of 1914 served to convince the President of the accuracy of his forebodings. There was no lessening of the tension in Europe, although the peoples of the different countries as a whole were inclined to believe that the situation was less serious than it had been, in consequence of the great Powers having weathered safely the commotion of the two Balkan wars. But underneath the surface of affairs forces were stirring which plotted to drive the nations, whether they wished it or not, to a final trial of arms. In Mexico, too, matters were going from bad to worse, and two weeks before Colonel House sailed from New York on the *Imperator*, of the Hamburg-American Line, on his first trip to Europe for the President, the United States was compelled to seize the port of Vera Cruz.

The last thing the President wished to do was to commit himself definitely to war with Mexico. To have done so would have been to tie him hand and foot, and to occupy all the country's energies at a time when it was most necessary to keep them free to deal with more important matters. But Huerta's defiance made it absolutely necessary for him to back up Mayo's demand. The country's prestige was at stake. Europe had been sneering at our tolerance of Mexican violence and crime for several years, ignorant that in a few short months Great Britain and France would be

prepared to beg us to put up with anything rather than undertake intervention in Mexico, and so rob civilization of the influence of our moral support.

The President had no choice. He had to punish Huerta; he had to show that, even if the United States was long-suffering, there was a point beyond which it could not be provoked. He determined to order the navy to capture Vera Cruz, the principal Mexican port of entry, and establish a blockade of the Mexican coasts, hoping that by going so far he might undermine Huerta's power and compel his retirement—an eventuality which, in itself, would be tantamount to an assertion of American prestige and a proof of the strength we could use if we chose. But he was firm in his purpose not to go any farther, if it could be helped.

When Colonel House went abroad early in May the situation at Vera Cruz was still obscure, and nobody could be certain that we should not have to push our intervention and perhaps occupy Mexico City. His departure was not chronicled in the newspapers. The general public were not aware that he had gone until May 27, when a brief cable from Berlin told of a dinner party given in his honor by Ambassador Gerard the night before, at which were present many notables of the German court, including Grand Admiral von Tirpitz and Herr von Jagow, the Foreign Minister. It was taken for granted in this country and abroad that his presence in Europe was for the purpose of defending the President's Mexican policy to foreign governments which had been critical of the disadvantages it had imposed upon their own nationals.

In order that the German Government might have no grounds for suspicion that his ideas had been colored by statesmen in England or France, Colonel House was careful to take his passage on the *Imperator*, a German liner which went direct to Hamburg, and he travelled from Hamburg straight to Berlin. Ambassador Gerard had been apprised of his coming and had arranged in advance a series of meetings, formal and informal, with the various German leaders, which formed the foundation of Colonel House's thorough acquaintance with the psychology of the little group of men who control Germany. On June 1 he had his audience with the Kaiser at Potsdam, an event of surpassing importance, but which was barely referred to in the only other newspaper account of Colonel House's first trip abroad, published on June 7.

The interview with the Kaiser was confidential in character, and in America, at any rate, its purport was known only to Colonel House and the President. Some day, perhaps, Colonel House's lips will be unsealed, and he will be able to tell the world of the answer he received from the man who, several years before, had sorrowfully told his royal sister, when they met for a private talk in Sweden, that he was no longer the ruler of Germany, that he would lose his throne if he attempted to thwart the military party. It is not the inclination of those who have knowledge of the inside history of the events leading up to the war to place the active responsibility for it upon the Kaiser. Colonel House, like other observers, is disposed to believe that the Kaiser's role was negative. He did not wish the war, but he feared to take a positive stand against it, lest he be pushed out of the way by the arrogant clique of generals who flattered the vanity of the Crown Prince.

Colonel House found plenty of evidence in Germany of a state of mind to increase his uneasiness. The military leaders were crazy with excitement; they had been living under high tension since the trouble with France over Morocco, and the disturbed course of the past year had stimulated their hysteria. The generation of generals and marshals who had built up the great German military machine had been subalterns in the War of 1870-71, and they felt themselves growing old, without having had a chance to play with this marvellous toy, this stupendous engine of their own genius. It was theirs, they felt. They had forged it, tempered it, tested it in play. They hated the thought of dying the deaths of old men without the satisfaction of having tried it in battle, under their leadership.

Bizarre as it may seem, this was really the psychology of the German military chieftains in the spring of 1914. They were hungry for war.

Colonel House himself was amazed at the rapidity with which Europe was plunged into war. There was no indication in the summer and fall of 1914 that the United States was in danger of being swept into the maelstrom of the war. The only effect of the catastrophe upon this country which was apprehended by the President and Colonel House, was the possibility of an increase in the staggering load of armaments imposed upon the United States in common with other nations. Like most well-informed observers, they looked to see an end to hostilities after a few months of swift fighting. The main exertion of the Administration was devoted to limiting, so far as possible, the economic strain upon the United States and doing what it could to relieve suffering abroad.

The intelligence which reached him concerning conditions in the belligerent countries in the winter of 1914-1915 determined the President to dispatch Colonel House on a second mission to Europe, for the purpose of feeling out the general situation and plumbing the minds of the leaders on both sides. Colonel House sailed from New York on January 30, 1915, on board the *Lusitania*. It was on this trip that the big Cunarder flew the American flag in passing through the waters adjacent to the British Isles—although Colonel House did not know it at the time—which was one of the excuses given by the German Government for sinking her several months afterward.

While Colonel House was at sea von Tirpitz and his friends induced the civil government in Berlin to acquiesce in their program for a submarine offensive to cripple British economic efficiency. In the first week of February Germany issued an official proclamation declaring the waters surrounding the British Isles, within certain specified degrees of latitude and longitude, to be a war zone, through which neutral shipping could venture only at its own peril after February 18. Abuse of neutral flags by British merchantmen, acting under orders of the British Government, was assigned as the reason for the sweeping nature of the measure. Unofficially, American newspaper correspondents were assured that the order was not a blockade and that no hostile action against neutral ships was contemplated.

In London the news was received with mingled resentment and amusement, but British officials were no more inclined to take it seriously, now that it was a reality, than they had been when it was still a matter of debate in Germany. They viewed it as an indication

of the extremities to which Germany was driven, but they discounted or failed to take into account the reserve power which German resourcefulness could muster and the weak links in the chain they and their Allies were welding around the Central Powers.

Notes from Peking

Major Barrows, an officer in the United States Army detached for service in Harbin and its neighborhood, who is now visiting Peking, will soon return to Harbin. He is engaged, it is understood, in studying the military situation in Russia.

* *

O. D. Walker, general manager of the Peking Office of the International Banking Corporation, will depart soon for New York. E. R. Bennett, assistant manager, will act for him during his absence.

* *

Yesterday was the last day for the registration of returned students from America, Europe and Japan who hold college diplomas, with the Senatorial Election Office in Peking. Those who did not register cannot vote at the election of Senators on June 20. According to the regulations of the new Parliament to be convened, 10 Senators are to be elected from among returned students or holders of diplomas of the Chinese Government Universities. A returned student to be elected must be above 35 years of age. Voters in this connection must be either graduates of foreign universities with three years' residence in China, graduates of the Chinese Government Universities, or those who have written a number of books which have been recognized by the Ministry of Education.

* *

An opportunity is given to the children of the American School to visit the Summer Palace on May 17. Members of the American community in Peking who are owners of motor cars will place their machines at the disposal of the school children for that day.

* *

His Excellency Pan Fu, late Director-General of the National Conservancy Bureau, gave a dinner this week to a number of his friends at the Oriental Hotel. Among those who attended the dinner were F. C. Hitchcock and Samuel S. Young of the Siemens-Carey Railway and Canal Company, G. A. Kyle, engineer-in-chief of the Chuching Railway, Mr. Van der Veen, Engineering Advisor of the National Conservancy Bureau, and Yang Pao-ling and T. S. Wei of the Commission for the Improvement of the River System of Chihli.

* *

Mrs. Edward Simpson of Baltimore, and Mrs. E. T. Foxwell of Philadelphia, recently arrived in Peking from America and are staying in the Hotel des Wagons-lits.

* *

Mr. and Mrs. A. C. Wessomany of Forest Hills, New York City, are visitors to Peking. Mr. Wessomany is a book manufacturer and formerly a member of the New York Board of Education. They have come to Peking for recreation and general survey of the political situation in this country.



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Telegraph Engineer	Good English
Telephone Work	SALESMANSHIP
MECHANICAL ENGINEER	ADVERTISING MAN
Mechanical Draftsman	Window Trimmer
Machine Designer	Show-Card Writer
Machine Shop Practice	Outdoor Sign Painter
Boilermaker or Designer	TRAFFIC MANAGER
Patternmaker	Cartoonist
Toolmaker	ILLUSTRATOR
Foundry Work	Perspective Drawing
Blacksmith	Carpet Designer
Sheet-Metal Worker	Wallpaper Designer
AUTOMOBILES	Bookcover Designer
Automobile Repairing	Ship Draftsman
STEAM ENGINEER	Common School Subjects
Steam-Electric Engineer	High School Subjects
Stationary Fireman	Mathematics
Marine Engineer	Teacher
Refrigeration Engineer	TEXTILE OVERSEER OR
Gas Engineer	SUPERINTENDENT
CIVIL ENGINEER	Cotton Manufacturing
Surveying and Mapping	Woolen Manufacturing
R. R. Constructing	CHEMICAL ENGINEER
Bridge Engineer	Analytical Chemist
Structural Draftsman	MINE FOREMAN OR
Structural Engineer	ENGINEER
Municipal Engineer	Coal Mining
ARCHITECT	Metal Mining
Architectural Draftsman	Metallurgist or Prospector
Contractor and Builder	Assayer
Building Foreman	NAVIGATION SPANISH
Carpenter	Motor Boat Runn'g French
Lumber Dealer	AGRICULTURE German
Concrete Builder	Fruit Growing Italian
PLUMBER & STEAM FITTER	Vegetable Growing
Heating and Ventilation	Live Stock and Dairying
Plumbing Inspector	Poultry Raiser
Foreman Plumber	Poultry Breeder

Name

Address

S. L. Crawford and Mrs. Crawford of Austin, Texas, are visiting in Peking. Mr. Crawford is a cotton merchant. He is on a pleasure trip, and has business connections in Japan.

* * *

Brigadier-General R. E. Evans, who is in charge of the Department of the Philippines, and Mrs. Evans are being entertained in Peking this week. They are the guests of the American Minister, Dr. Paul S. Reinsch, and Mrs. Reinsch. They reached Peking last Saturday. Soon after their arrival they took tiffin with Captain and Mrs. I. V. Gillis, Naval Attache to the American Legation. On Tuesday they were entertained to dinner by Dr. Reinsch. On Wednesday they were entertained by Captain and Mrs. Cutrer at the Wagons-Lits. On Thursday evening, Sir John Jordan, the British Minister, gave a dinner at his Legation in honor of Brigadier-General Evans, and on Friday evening the Dutch Minister also entertained him to dinner. Other social events have been planned for them.

* * *

The American Association of North China is giving a dinner on Wednesday evening, May 22, at the Wagons-Lits Hotel at 8.30 p.m. to the members of the British Legation and the officers and members of the British Chamber of Commerce. Each member of the Association is invited to take one or more British guests. The purpose of the dinner is to emphasize British-American unity in the Allied cause and to promote a closer cooperation between British and Americans in Peking. The price of tickets will be \$3 for each person. Walter C. Whiffen is Secretary of the American Association of North China.

* * *

Information is received in Peking that Mr. Sakatani, prospective Japanese Finance Advisor to the Ministry of Finance, is still at Shanghai.

* * *

His Excellency Feng Kuo-chang, President of China, will shortly give a garden party to all foreign advisors and employees in the Government service.

* * *

Chen Cheng-an, president of the National University, departed from Peking on May 9 for the Straits Settlements, where he expects to solicit funds for his institution.

* * *

The Anglo-Chinese Society held a meeting at the Naval Club at Chin Yu Hutung this week. Twenty expert Chinese boxers gave exhibitions to entertain the members.

* * *

Chinese and Greek officials are negotiating for a commercial treaty between the two countries and are said to have come to a definite understanding. Hu Wei-teh, Chinese Minister to France, may be appointed to undertake the negotiations officially on behalf of the Chinese Government.

* * *

Mr. and Mrs. Johnston's house at No. 21 Chen Chiang Hutung was entered by a burglar, who took away \$30 in cash, but left behind a bundle of clothing and jewels, which he had collected elsewhere. The

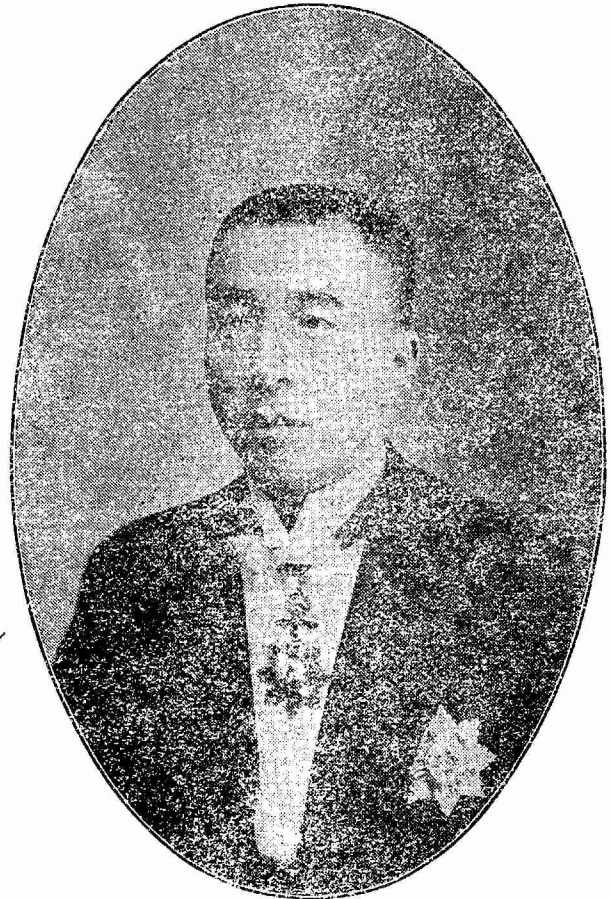
burglar entered the house while Mr. and Mrs. Johnston were entertaining guests.

* * *

Kao Erh-chien, late Vice-Minister of Foreign Affairs, has been appointed by the President as his Advisor.

Peking, May 11.

Who's Who in Peking



Yu Pao-hsien, Vice-Minister of the Interior

One of the popular Vice-Ministers in Peking is Yu Pao-hsien, of the Interior. He was the guiding genius in the important task of combating the plague which broke out early this spring in Shensi and its neighborhood. Mr. Yu, who is forty-four years of age, is a native of Kiangsu. He spent his early years in Szechwan, where his father was a prefect. At first he studied Chinese under teachers of the old school, but his yearning for foreign learning was so strong that he finally went to the International Institute to study English and other subjects. Later he went to Japan for his higher education, where he was considered a popular scholar. After the Boxer trouble in 1900 the Vice-Minister of the Interior returned to China, and first joined the Department of Police in Peking under the Tsing Dynasty. Subsequently he was transferred to the Ministry of the Interior in recognition of his useful services. He was at once appointed Senior Clerk and acted concurrently as a member of the Bureau of Constitutional Reform.

On the establishment of the Republic, Mr. Yu was appointed Chief of the Statistical Bureau and division chief of the Police Department. He was later transferred to the Civil Service Department, of which he was Chief. In the first year of the Republic he was also elected an

expectant member of the Senate, and became Senator upon the restoration of Parliament, dissolved by Yuan Shih-kai's order. Upon the second dissolution of the Senate, Mr. Yu was appointed Secretary to the Minister of Communications; and was soon afterwards transferred to his present position in the Ministry of the Interior. He is now also Director of the Election Bureau.

He is considered one of the few men of the present day in China who has laid his country under a debt of gratitude for valuable services rendered at a critical moment. His secretary states that he is a hard worker. Mr. Yu usually comes to the office much earlier than his subordinates and he was generally the last to leave during the fight against the plague. On several occasions, according to his secretary, he actually worked until after 12 at night. He is popular with his underlings. He is said to have never failed to give the members words of encouragement when occasion demands. He is also democratic and never refuses to consider sound suggestions and is diplomatic in dealing with influential people.

Week's News Summary

THE WAR

May 7. Australian troops distinguish themselves by a successful night attack on the German lines between the Ancre and the Somme.

May 8. The treaty of peace between Germany, Austria-Hungary, Bulgaria and Turkey on the one hand and Roumania on the other is announced as providing very substantial concessions by Roumania, as a result of which Roumania's commercial life will be hopelessly ruined for many years.

May 9. A fiery encounter with alternate degrees of success for the contending side, takes place between British and German troops along the north-eastern slopes of Scherpenberg; with the assistance of French troops the Germans are thrown out of positions which they had temporarily occupied.

May 10. The report of losses through submarines for April shows that only 381,631 tons of Allied shipping and neutral vessels were sunk as compared with 834,685 during April of last year.—It transpires that Germany's latest "peace offensive" was made through Prof. Herron, an American author living in Geneva, whose book "The Menace of Peace" had gained him President Wilson's friendship and esteem.

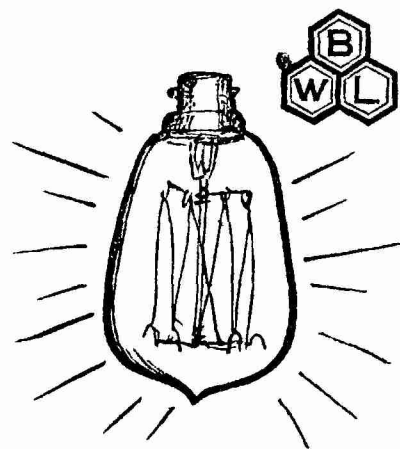
May 11. The German official telegrams belittle the success of the British raid at Ostend, but photographs show that the British cruiser *Vindictive* is lying between piers inside the entrance to the harbor.

May 12. The Germans give up their line in the Luneville sector situated opposite the American troops.

CHINA

May 2. A proclamation issued at Haichow (North Kiangsu) announces the securing by Japanese capitalists of various iron, copper and gold mines in that vicinity; the principal property acquired by the Japanese is known as Iron Mountain, one of the northern spurs of the great Haichow mountain, at whose base the city is situated.

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May 15. In a despatch to the Government at Peking from Canton Dr. Wu Ting-fang and other Southern leaders protest against the Sino-Japanese negotiations, and offer that the South will lay down its arms and make peace provided the Government stands firm against the Japanese demands.

May 16. A presidential mandate orders a court martial of the persons concerned in the recent collision in Hankow between the gunboat *Chutsai* and the China Merchants' s. s. *Kiangwan*.

JAPAN

May 13. One of the results of the agitation of Chinese students in Japan, many of them having left their studies and returned to China as a protest against the "proposed sale of their country to Japan," is that the Japanese Government has issued an official statement in which it mentions that it is true that a new arrangement is in course of negotiation between the governments of China and Japan, but it has for its object solely the guarding against the intrusion of the German menace in the Far East; the Japanese Government says it is premature to publish the provisions of the new arrangement.

GENERAL

May 9. The temporary sensation caused by the letter of Major-General Maurice charging discrepancies in the statements made in the House of Commons by the Government representatives, which were alleged not to be in accordance with the facts as they existed among the British troops in France, receives its

quietus by the rejection of Mr. Asquith's motion for a committee of inquiry by a vote of 293 to 106, following a detailed statement by Lloyd George; the rejection of the motion is greeted with loud cheers, the Premier receiving an ovation.—Speaking at New York on the occasion of the anniversary of the sinking of the *Lusitania*, ex-President Roosevelt said that he hoped to see the United States furnish immediately 5,000,000 men; a statement made by U. S. Secretary of War Baker discloses the fact that there are now more than half a million American troops in France.—The insurance rate on trans-Atlantic American steamers is reduced from 3 to 2%.—A statement is made in the House of Commons that a man (nationality not stated) was recently landed in the west of Ireland from a German submarine; he is now in the Tower awaiting trial by court martial.

May 10. The immense contributions which are being made to the world's shipping by American shipyards is illustrated by a recent announcement that 200 ships are under construction in one State alone (California), the total number throughout the United States under construction being 1,900; 3 big vessels were recently launched on the same day and are now being sent overseas with 9,000 tons of wheat for the Allies.

May 11. Lenin, the head of the Bolshevik Government in Russia, warns the population that a reactionary counter-revolution is being fomented.

May 12. The harshness of the German terms imposed upon Roumania by the recently concluded treaty is even commented upon by many leading German Liberal newspapers.

May 13. Lord Bryce in an article in the London *Daily Chronicle* writes that the confession of the former German Ambassador, Lichnowsky, constitutes a most complete vindication of Great Britain's attitude in the war.—German newspapers state that the Dowager Empress of Russia has been transferred into German hands.—The French press points out that the presence of Germans in the Caucasus constitutes a grave danger to British interests, as it means the opening of the road to India.

May 14. The growing feeling of resentment among the Russian populace against the German penetration of their country results in a reign of terror; in a desperate and bloody battle fought in various parts of Finland 4,000 White Guards and Germans are killed, and in Moscow much street-fighting occurs, the outstanding incident being the bombardment by the Soviet troops of the anarchist headquarters by means of armored cars, the anarchists replying with machine guns and grenades.

May 15. As a result of an arrangement with the American Government the U. S. Steel Corporation commences the construction of a plant on Neville Island, in the Ohio River, which will have a greater capacity than the famous German plant of Krupp's at Essen.—The U. S. Shipping Board announces that 159 ships (1,108,621 tons) had been completed and delivered by May 11.

America

On page 392 of the REVIEW of May 11, in speaking of the savings of the American people, the word "million" was used instead of "billion" (one thousand million).

America answered the German submarine blockade in February by shipping to Europe 1,100,000 tons of foodstuffs for the use of the Allied armies and peoples of France and Great Britain.

The Erie Canal was placed under the control of the U. S. Railway Administration April 17 by order of Director-General McAdoo; a large fleet of barges has been ordered to be constructed so as to relieve the railway congestion.

Charles M. Schwab, chairman of the Board of Directors of the Bethlehem Steel Corporation, on April 17 assumed the post of Director-General of the Emergency Fleet Corporation, which means that he is placed in full control of shipbuilding throughout America.

Men and Events

Thus the *Brooklyn Eagle*: The "wets" are recalling that Russia went dry in 1915 and crazy in 1918.

F. M. Price of Paotingfu, China, has departed for America on a vacation which he will spend at Mill Valley, California.

Baron Hayashi, the Japanese Ambassador, arrived in Shanghai on Monday from Hankow on the gunboat *Saga*. He took up his headquarters at the Astor House.

Consul Albert W. Pontius has been transferred from the consulate at Foochow to Canton, and Consul George C. Hanson of Chinkiang will go to Foochow.

E. C. Kopp of the China Import and Export Lumber Company, Shanghai, has gone to Antung, Manchuria, to represent the company at that place.

Paul McRae, of the U. S. Court for China, departed this week for Washington, D. C., on official business.

Stirling Fessenden of the law firm of Jernigan, Fessenden & Rose, who has been in America for the last two months on business, has written that he will return to Shanghai about September 1.

Harrison Smith, a representative of the *Century Magazine* and *The New Republic* of New York, was in Shanghai for one day last week on his way home from Russia to the United States.

L. E. Evans, chief auditor of the Bureau of Public Works of the Philippine Islands, passed through Shanghai during the week on his way to Japan.

The REVIEW is indebted to Prof. N. Gist Gee for an interesting booklet on "Temples of a Typical Chinese City," written by S. G. Brinkley of Soochow University.

The strike of the Shanghai native carpenters has been settled by the employers granting an increase of wages of six copper cents per day. (It is reiterated for the benefit of readers in America that this is not a mistake. Six Shanghai copper cents are equal to about three American cents).

The Song of a Red Cross Bandage

*I was made on a shady village street
Where the sky and the uncut elm-trees meet,
And the smell of flowers and dust and hay
Tell of life and death in one summer-day.
Where the hissing scythe in the standing grass
Sings a prophecy of the 'come-to-pass';
Where the shiv'ring leaf-laced shadows fall
On the polished floor of the old town hall.*

*But I'll be used on the fields of France,
Where Life or Death is the gift of Chance;
And ever and always the order runs—
"Men and more men for the greedy guns! ;
Where the brown, fly-haunted puddles stand—
Where once was life—on No-Man's Land;
With the swollen corpses scattered far
O'er the purging-place of the Gods-of-War.*

*But why was I made and why do I go
From a place of peace to a place of woe?
I serve no King and I serve no State,
I'm the answer of Love to the song of Hate.
Or comrade or foeman is one to me
From tunnel or trench, or sky or sea.
When the last gun's fired and the war-flag's furled
May I heal the hurts of a wounded world.*

*This poem by Gerald J. Lively
is printed as an advertisement
in support of the Red Cross
Drive for 2,000,000 bandages
in China, during the week of
May 20-26. (Space Donated
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**No. 25. Avenue Edward VII
Shanghai.**

Considerable excitement was caused in the Yangtzepoo district of Shanghai on Wednesday morning when it was discovered that during the night a Chinese woman of middle age had either been murdered or had committed suicide in a field lying off Ford Lane. She was found in the morning with her throat cut.

George H. Corse, Jr., formerly passenger agent in Shanghai for the Union Pacific lines, has recently taken over the position of traffic manager for G. Amsinck & Co., Inc., 6 Hanover Street, New York, who do a large business in Mexico, Central and South America, and now intend to develop a large business in China.

The American Consulate-General has received telegraphic instruction to the effect that during the period from May 8 to July 31, 1918, the imports of crude rubber from overseas into the United States are to be restricted to a total of 25,000 tons. During the period mentioned no consular invoices covering crude rubber will be certified unless they contain the number of the required United States Import License.

A Chinese Western Returned Students' Club was organized in Hankow on May 4. The meeting was attended by approximately one hundred Chinese young men who had been educated in the various universities in the United States and Europe. The feature of the meeting was an address by Dr. Sherwood Eddy. The meeting was held under the auspices of the Young Men's Christian Association of Hankow.

Dr. F. L. Hawks Pott, president of the American Red Cross, will address the American Song Service Sunday afternoon, May 19, at the Palace Hotel at 5 o'clock. Consul General Thomas Sammons will preside and there will be special music. The American

Red Cross Drive will begin on Monday, May 20, and the Service will be devoted to that purpose. A special collection for the Red Cross will be taken at the Service.

The American National War Savings Committee issued a statement on April 11, to the effect that the inmates of the Leper Colony at Molokai in the Hawaiian Islands have bought G. \$3,000 worth of War Savings Stamps as their contribution toward the cost of winning the war. The manager of the Molokai Leper Colony is Brother Joseph Dutton, who has devoted the past thirty-seven years of his life to this cause.

Arrangements have been made for special Red Cross sermons and services at the following Chinese Churches tomorrow: Grace Church, Shantung Road Church, Quinsan Road Church, Mandarin Speaking Presbyterian Church, Cantonese Church, Baptist Church, Moore Memorial Church, Peking Road Church, St. Paul's Church, St. Peter's Church, and All Saints Church. In addition there will be a special Red Cross sermon at the American Song service and possibly at other foreign Churches in the city.

The following are the names of the Chairmen of the local War Drive Committees, working in conjunction with the American Red Cross for the "drive" from May 20 to 26:—Nanking, A. W. Stewart; Tientsin, Colonel Morrow; Canton, Robert E. Chambers; Hankow, Hunter Mann; Changsha, Mr. Roberts, Miss Hasenpflug; Foochow, H. B. Belcher; Chefoo, Charles B. Brown; Hongkong, A. E. Carleton; Chungking, G. C. Hanson; Amoy, Clarence E. Gauss.

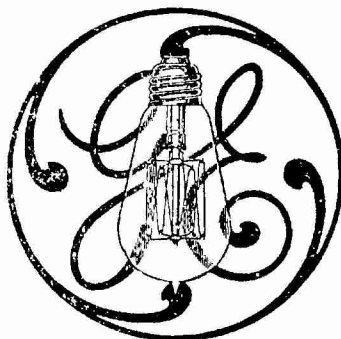
In connection with the list of American missionaries printed in the issue of the REVIEW of April 20 under the heading "How Long have you Lived in China?" there was the name of the Rev. Mark Williams, D. D., American Board Mission, Taikuh sien, Shansi, who arrived in China in July, 1866. The information is now to hand that Dr. Williams will celebrate his eighty-fourth birthday October 28, 1918, and is probably the oldest missionary in China at the present time.

A new restaurant and cafe, known as the Cafe-Restaurant Trianon, has been opened at 25 Avenue Edward VII, in the French Concession of Shanghai. It is managed by Mr. Van Herwynen. The restaurant is fitted in thoroughly modern style with dark stained woodwork and individual tables. It is operated on modern lines. During the evenings music is furnished by an orchestra. In addition to the regular service arrangements have been made for a special service during the warm weather on tables beneath an attractive awning in front of the restaurant.

A recent issue of a country weekly newspaper published in Lancaster County, Penna., which is noted for its excellent crops of tobacco, contains several items showing what prosperous times the tobacco farmers are enjoying. One man sold the tobacco raised on his six-acre patch for U. S. \$4162.58, this being at an average of \$693.76 per acre, or at least three times as much as the land would sell for. Another farm which was bought in 1916 by one of the Court House officials for \$47,000 an income of \$21,000 was derived from during 1917, of which about \$15,000 was tobacco crop income. The expense of running the farm was approximately \$5,000, so that his investment paid about 32%.

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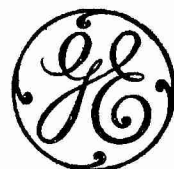
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A campaign by the Y. M. C. A. of Shanghai for a new building on Hongkong Road, to be known as the Y. M. C. A. Hotel, will be launched at a special luncheon at the Carlton Cafe at 12:30 o'clock, Wednesday May 22. According to the tentative plans the new building is to be a six-story structure, one floor of which may be used as a meeting place for various foreign and Chinese organizations. The Executive Committee of the Y. M. C. A. is composed of the following: C. C. Nieh, Chu Pao-san, C. T. Wang and Y. C. Tong.

B. Atwood Robinson, president of the Chinese-American Company, Shanghai, accompanied by his wife, will sail for America on the *Empress of Japan* on Saturday May 18. This will be their thirty-second trip across the Pacific back to the States since coming to Shanghai. Mr. Robinson will visit New York, Washington and Boston, the latter being the headquarters of the Chinese-American Company, and will probably return to Shanghai in September. A party of friends gave a farewell picnic supper at Jessfield Park, Wednesday evening, May 15, for Mr. and Mrs. Robinson.

Following almost inevitably upon the stroke of paralysis which overtook John M. Darrah, former U. S. Postmaster at Shanghai, during the early part of last week, death supervened May 10 at the Shanghai General Hospital. The late Mr. Darrah held the highest degree of the Masonic fraternity, and the funeral last Sunday was one of the largest which Shanghai has ever witnessed. Mr. Darrah is survived by his wife and daughter, and his death came in the midst of important negotiations that he was conducting for the inauguration of a large American financial organization in the Far East.

Holding that an assault upon a wooden leg is not a criminal offense, Police Judge Brady at San Francisco, April 8, dismissed the charges brought against Special Officer Joseph Hughes by George McEachern. McEachern was viewing a parade from a fence top when Hughes ordered him down. He declined to come off his perch and Hughes grabbed one of his legs to pull him down. The leg pulled loose and the much frightened special "cop" dropped the loose end and ran. When the doctor from the Central Emergency Hospital discovered that it was a wooden leg that caused all the excitement he sent McEachern to a carpenter shop.

Women's Work

Chinese Women's Red Cross

Approximately 1,040 bandages, 42 knitted wash cloths and 30 pairs of socks have been turned over to the British Red Cross by the Chinese women Red Cross workers of Shanghai in their Work Rooms at 112 Quinsan Road. The Chinese Women's Red Cross was organized by Mrs. E. L. Marsh in connection with the British Red Cross on December 12, 1917, and the workers meet each Wednesday from 2 until 5 o'clock p.m. to work under the direction of Mrs. Marsh, assisted by F. K. Tsao of the National Committee of the Y. W. C. A., and Mrs T. K. Siao and Miss Tong Kyang-Zan, both members of the Y. W. C. A. Bandage rolling is done and some of the members are knitting socks and wash cloths, using the selvage edge of the material used in the bandage rolling for the

cloths. About thirty pairs of socks have been turned over to the Red Cross in the last month. The attendance at the Work Rooms each week ranges from thirty to fifty and most of the attendants are members of the Local Y. M. C. A. Association. All of the material turned in is labelled as work done by the Chinese Women's Red Cross. On each occasion nearly six machines are working and much work is taken home and prepared for the next meeting. The Chi Sui Chinese Private Girl's School furnishes from 200 to 300 bandages each week. Along with the regular work it is a plan to have some address given on some phase of Red Cross work.

In the coming Red Cross Drive the Local Association of the Y. W. C. A. and the Chinese Women's Red Cross are planning on working individually and not in a body. On May 15 the Local Association of the Y. W. C. A. published their first magazine in Chinese telling in detail some of the work accomplished, and the magazine is illustrated by a picture of the Chinese women at work in their Work Rooms.

American Red Cross Notes

Each of the families of the 50,000 soldiers in France were given 100 francs by the American Red Cross, according to the *Official Bulletin* published at Washington on April 3. The American Red Cross has divided among the Departments of France 5,000,000 francs to aid the soldier families that have suffered in the war.

The War Council of the American Red Cross has just appropriated from the War Fund the sum of \$14,400 for the education in Switzerland of 40 Siberian students in the study of dentistry and tuberculosis.

A performance in aid of the French Red Cross was given on Tuesday evening, May 14, at 8:30 o'clock at the Y. M. C. A. Hall in Tokio. Silhouettes and songs were given and a good sum was netted.

The Tokio Branch of the American Red Cross shipped ten cases of war supplies, valued at Yen 3,000, to San Francisco on May 7 on the *Shinyo Maru*.

Dog's Wool Used For Red Cross

In a recent issue of the *REVIEW* an article appeared telling of the different articles now being used for Red Cross work, and the following news item from a daily paper confirms the statement: According to the *Associated Press* dog's wool is now a highly valued commercial product, and the society ladies who keep expensive long-haired pets are to be encouraged to go on keeping them and sending the combings to the Red Cross for weaving. As the war goes on, remarks a contemporary, it becomes increasingly easy to do one's bit. Lady Clara Vere de Vere now does it by combing the hair of her Pekingese with a golden comb, her maid picking up the stray hairs and laying them in a row. And of course the dog does his bit too, and doubtless gets his food tickets.

Japanese Girl as Ship Captain

According to the *Japan Advertiser* (Tokio) the woman chauffeurs and conductors are no longer uncommon, but a woman applicant to the examinations for the license of a ship captain is a novelty not only in Japan, a sea-girt country, but in the world at large.

Tatsu Imamizo is a young girl of twenty years who lives at Kawajirimura, Kamo-gun, Hiroshima

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Peking Union Medical College

Premedical School

Announcements for the Academic Year 1918-19.

CURRICULUM: The Premedical School offers a three year course in the fundamental subjects which are pre-requisite to the study of medicine. The curriculum includes courses in mathematics, physics, chemistry, biology, English, Chinese and German. The work in the second and third years is of the grade required in the first two years of the best American Universities. Students who complete the work of the Premedical School satisfactorily will be admitted to the first year of the Medical School without examination.

MEDIUM OF INSTRUCTION: All courses except those in Chinese language and literature are conducted in English.

ENTRANCE REQUIREMENTS: Admission to the Premedical School is by examination. To be eligible for the entrance examinations, a candidate must be a graduate of an approved Middle School, and must possess a good working knowledge of English, both oral and written.

ADVANCED STANDING: Admission with advanced standing will be granted to candidates who present suitable credentials showing the completion of one or more years of work of collegiate grade and who pass satisfactory examinations in the subjects for which credit is desired.

EXAMINATIONS: Examinations for entrance and for advanced standing will be held at Peking, Shanghai and Canton, June 18 to 22, and August 27 to 31, 1918.

CALENDAR: The first semester opens Tuesday, September 17, 1918, and closes January 31, 1919. The second semester opens February 11, 1919, and closes June 20, 1919.

The work of the Medical School will open in September 1919.

Applications for admission to the entrance examinations and requests for further information should be addressed to

The Dean of the Premedical School,

Peking Union Medical College, Peking, China.

prefecture. Her father is the owner and captain of a collier and the young girl has sailed with her father aboard the vessel plying the Inland Sea.

As she has grown older, her seafaring enthusiasm has become stronger and she resolved to become a captain. With her father's consent, she applied to the authorities for the captain's license examination. At first the authorities were astonished, but as there is no discriminating provision between the sexes in the examination regulations, her application has been accepted. She will be the first woman Captain in Japan in case of her success, and the pioneer applicant in the new field of activity, even in case of her failure in the examination.

Women and Events

In last week's issue of the REVIEW a statement was made that Mrs. A. G. Loehr delivered a lecture on "Korean Women" before the American Woman's Club of Shanghai on May 7. The lecture was delivered by Mrs. G. R. Loehr.

The next meeting of the American Woman's Club of Shanghai will be held on Tuesday, May 21, at the Carlton Cafe.

Mary Pickford, the movie actress, filed her Income Tax returns in New York April 16. The collector of Income revenue, while not allowed to divulge the amount of Miss Pickford's tax, stated that she had paid the largest sum of any stage favorite and the cheque for the tax was written in six figures, and almost touched the seventh.

Miss Mary E. Hallam, who is said to be the veteran saleswoman of the world, and who has been an employee for Marshal Field & Co., Chicago, for forty-

three years, died at her home on April 3. Miss Hallam was a descendant of Henry Hallam, the English historian.

More than 100 women have applied to the Young Women's Christian Association for registration for farm work this summer in Ontario, Canada.

Correspondence

An Appeal from a Russian Proletarian

TO THE EDITOR, MILLARD'S REVIEW:

All diplomatic and consular functionaries who have not submitted to the authority of the People's Commissaries have been dismissed by decree of November 22 last. Large Russian colonies which have elected an Executive Committee sharing the platform of the Soviet's authority may name their own candidates to replace the dismissed consuls, notifying the candidate with his qualification to the Moscow Soviet authorities for confirmation. The foregoing has chiefly in object Manchuria, Mongolia and East Turkestan.

On the frontier points where the Russian colonies are not large, consuls may be nominated by the nearest Soviet authorities, also presenting their candidates for confirmation to Moscow. The candidates confirmed by us receive our mandates and take immediately possession from the anterior consuls of houses, chattels, etc., appertaining to the corresponding consulate and proceed to execute current affairs. In Shanghai there is a large Russian colony which has not been allowed self-government by a reactionary group of bankers and functionaries.

In relation to neighbor peoples we ought to follow the principles expounded in the decree of peace. This decree is to be widely spread in native languages. In relation to the Chinese we ought to remember that the present Peking Government does not express the will of the Chinese people. This Government struggles with the South, which is similar to us in its spirit and has formed a Federative Republic. In North China some generals—monarchists—are acting quite independently of Peking.

In Mongolia it is necessary to put an end to the extortions of the capitalists working together with the Mongolian ecclesiastical bureaucracy. Soviets are strongly advised to organize the propaganda for which there is a good field among the local oppressed population. For this purpose it is desirous to attract the Mongols to work compatibly with our Soviets and establish these institutions among half-independent tribes, such as are the tributaries of Hutukta or of the Chinese Government.

In relation to Japan we ought to remember that the present Japanese Government, the most reactionary in modern history, has a quite definite robbing tendency. It is desirous of maintaining friendly relations with America, which shows sympathy to the Soviet government and to the Russian proletariat. Americans must be informed about every attempt of Japan to put her hand on our national property and also about all facts of Japanese provocation made for the purpose of inviting foreign intervention. As to the Chinese Eastern Railway we have to say that the treaty of 1896 is recognized by us. China reserves her supreme rights on the territory where the Railway is lying and is obliged to guard it, not interfering in the interior order of the Railway

and in our self-government. With the consent of China we intend to democratize the last by forming in the important inhabited points Soviets of Russian and Chinese laborers' and peasants' deputies. The Chinese people ought to see us as protectors of the Chinese proletariat against the greedy appetite of foreigners and against the violence of the Chinese authorities. We are laying the first stone in forming quite new relations with the peoples of the East. Their only salvation from the danger of Japanese and European capitalists and oppressors' grasping, violence and injustice is in the intimate unification with the Russian proletariat, who are the only ones capable of saving them from definite slavery.

RUSSIAN CITIZEN

Shanghai, May 8, 1918.

An Appreciation

TO THE EDITOR, MILLARD'S REVIEW:

I wish to thank you for the copy of April 20, 1918, of your paper. We were surprised that there were so many of the older missionaries now left in China. Those early years were fraught with many difficulties and few results. These later years are quite different, and show greater results. I am glad that Dr. Beard has put your paper into our College. It will not only give the students a chance to learn to read, but show them the value of a good journal.

H. S. WHITNEY

Ingtau, Fukien, May 7, 1918.

Far Eastern Press Opinion

The Protest of the Southern Leaders Against the Sino-Japanese Negotiations

Peking Correspondent to the Peking & Tientsin Times

The Sino-Japanese negotiations and the contents of the agreement was the first question dealt with at yesterday's Cabinet conference. Lu Cheng-hsiang, the Minister of Foreign Affairs, was still absent and his place was taken by the Vice-Minister, Chen Lu. The responsible delegates made a report of the proceedings of the negotiations, which satisfied the majority of those present with the exception of Tien Wen-lieh, who pointed out the importance of one of the articles which he considered needed modification before the Cabinet gave its favorable decision thereon. There was very little discussion, it having been arranged that the matter should be settled as soon as possible. Various new military plans were then placed before the meeting by General Tuan Chi-kwei and were discussed and passed on; and these were followed by the question of maintaining order in Kulun and Kiakhta, where the activities of the Bolsheviks are causing alarm. It is stated that Premier Tuan Chi-jui was strongly in favor of sending Chinese troops to Kulun, but no decision was arrived at on the suggestion.

It is interesting to note with reference to the first part of the above paragraph that Dr. Wu Ting-fang, Lu Yung-ting, Tang Chi-yao, Tsen Chun-hsuan and nine other civil and military leaders of the South and South-west have wired to the President as follows:—

“As far as can be judged from the various foreign and

Chinese Government Railways

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“The Road Through the Heart of China”

—:o:—

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THE Peking-Hankow route joins at Fengtai the main line of the Peking-Mukden Railway, by means of which this line is connected with the railways in Manchuria, Korea, Japan and Siberia, while steamer facilities at Hankow bring it into easy communications with the Yangtze River ports and Shanghai.

FROM the Capital to Hankow the journey occupies 34 hours, by the daily through train which is provided with up-to-date sleeping and dining accommodations.

CHI KUNG SHAN Mountain (Summer Resort), not many Summer Resorts in China inland can bear comparison with the natural charming views that reward those who ascend the mountain of Chi Kung Shan whose summit stands at an altitude of 1980 ft. On reaching Sintien station, situated 110 m. from Hankow, a serpentine road climbs the mountain, on top of which are hundreds of beautiful bungalows awaiting vacationists. This popular resort is celebrated for its scenery, where an almost unbroken communion with nature can be enjoyed for a week at a time.

HSI LING or **WESTERN TOMBS**.—With their present-day accessibility, there is now little excuse for visitors to Peking omitting a trip to the Western Tombs, undoubtedly one of the most impressive sights in China. The site of these beautifully adorned Imperial Tombs is close to Liang Ko Chwang station, 79 m. from Peking, which is reached by a Branch-line formerly built for the exclusive use of the Imperial Sovereigns when visiting the Tombs of their ancestors. The Western Tombs include the mausoleums of four Manchu Emperors and three Empresses, as well as those of a number of princesses. The region is justly appreciated for the charming scenery surrounding the Imperial Tombs and is highly recommended to any one in search of the extraordinary and beautiful.

MILLARD'S REVIEW will publish in May as a part of Volume IV, a complete index of all special articles and editorial comments that have appeared in the magazine since the first issue on June 9, 1917. Owing to the shortage of paper, this index will be supplied only to those who desire it for filing and reference purposes. Persons desiring a copy of the index should notify the office in writing at the earliest possible date, otherwise it will be impossible to supply it. The index is a part of the **REVIEW** and there will be no extra charge to subscribers who desire a copy.

vernacular newspapers, the present Cabinet is about to sign a secret agreement with Japan concerning joint operation of China and Japan in Siberia and Manchuria. We are informed that there are nine articles dealing with the Chinese army and eight connected with the navy, including handling of arsenals, etc. The first agreement was signed in Tokio on April 24 and now the Chinese delegates are discussing the details in Peking. In the Group V. Demands which were presented by the Japanese to China in 1915, the Japanese tried hard to secure control of the Chinese army, navy, arsenals and finances, but they were withdrawn through the resistance of the late President Yuan Shih-kai. It now appears that the present 'suggestions' or 'requests' from Tokio are more dangerous than those of 1915. If this agreement is signed then China will become nothing but a second Korea under Japan and we, as Chinese subjects, will never recognize it under any circumstances. The Northern militarists in their desire to crush the law-protecting forces of the South and the South-west by inviting foreign assistance are inviting the destruction of the country. If the reports in the foreign and Chinese newspapers are untrue the Central Government should publish the fact so as to give satisfaction to the people and to remove suspicion. If this is not done it will be concluded that the Government is making a secret agreement for the sale of China to Japan in return for her assistance for crushing their own brethren in the South and South-west. The President is the Chief Magistrate of the country, he should in that capacity refuse to sign the agreement at once otherwise he will be called the first criminal or national traitor. There is no necessity for the proposed Sino-Japanese cooperation against Siberia because, despite the conclusion of a separate peace by the Russian Bolsheviks with Germany, there is no danger of an invasion of the Far East by the German-Austrian prisoners in Siberia because the Central Powers are busily engaged in France and Italy."

What notice the Government will take of the above it is impossible to say, but it is clear that by putting themselves on record before the document is signed these Southern leaders are placing themselves in a strong position. Should the publication of the agreement disclose that the Government has acted in the manner suggested in the above communication there will be a general outcry of the Chinese people, who will in their desperation turn to these Southern leaders in the hopes of securing its reversal. The Government is therefore likely to considerably weaken its position and taking into consideration the present chaotic condition of the country it might result in its downfall. The writer heretofore has shown but little sympathy with these Southern agitators who refuse to see under any circumstances any good in the Central Government, and who refuse to consider the interests of the country because they are so taken up with their own importance and with the desire to further their own individual and party ends, but in this instance they are right in demanding that publicity should be given to so important a question. Both the Chinese and Japanese Governments in keeping the negotiations from the public, have done themselves considerable harm and they have only themselves to blame if this brings disaster in the long run. The officials of both countries can say what they like about their good intentions, their honesty of purpose and how it is the wish of their heart to pat each other on the

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back without hurting the constitution of the other, but as long as they insist on maintaining secrecy the greatest suspicion will prevail. At the present moment no one believes the various official statements which have been handed to the press. The officials do not believe them, the people do not believe them, and the writer does not believe them. The Japanese have insisted on secrecy, the Chinese do not wish for secrecy, knowing that publicity is their only protection, but fear of publishing the negotiations owing to the apprehension that other pressure may be brought to bear on them keeps their lips sealed. The absence of the Minister of Foreign Affairs from the meetings is an eloquent protest.

"Mischievous Interference of Japanese Military Authorities Staying at Peking"

From the Tokio Asahi

If Baron Goto is inclined to change the policy of this country toward China according to his own idea we should expect that first of all he should recall Ambassador Hayashi and then take some measure to prevent the military authorities of this country staying in Peking. Further we should expect that he will stop the supply of arms and munitions to the North, so that Tuan shall be compelled to abandon his policy of the military suppression of the South. If Baron Goto does all this unflinchingly the North will surely be obliged to stop its military expedition and the South will breathe a sigh of relief. The result will be that the South will stick to its old demands, the restoration of the old parliament and constitution. The question then is whether Baron Goto will help the South to carry on its demands against the North or not, and this policy, supposing that Baron Goto will pursue it, is perhaps no less baffling than the pro-Tuan policy pursued by Ambassador Hayashi. In our opinion this policy is in the right direction, but it is not expected it will go without hitch. Baron Goto must see clearly through his way before he begins tackling it. We have reasons to expect that if he pursues it sincerely and unflinchingly he will be able to make it a success. It is regrettable to see that he is prevented from introducing such change by the political situation at home. As a member of the Terauchi Cabinet he is not in a position to run against the Premier's will. Furthermore, the fate of the Ministry is in such a critical state that everything he wants to do for the interest of the foreign policy of this country has to be considered in the light of the political situation at home, through which it must be worked out. Under the present precarious condition of the Terauchi Ministry it will be futile to introduce any definite change in the country's foreign policy. We realize fully the difficult and uncertain situation in which Baron Goto has to work, and yet at the same time we see that nothing can be achieved by waiting and hesitation. The present precarious condition of the Ministry will go from bad to worse if it be left to its natural development. Chances are that if Baron Goto acts resolutely in his policy toward China he may compel the whole Ministry to follow his steps and thereby secure for the Ministry a new stability. But if he is going to do it he must be prepared to sacrifice everything for the undertaking. Above all he must be thoroughly sincere. It is doubtful if Baron Goto has such a resolution



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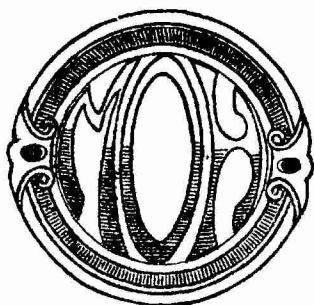
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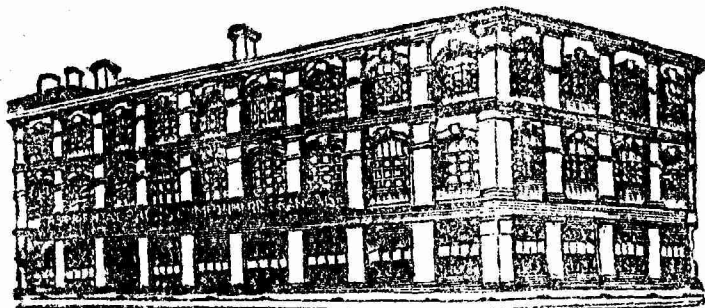
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Shanghai's Municipal Code

From the North China Daily News (Shanghai)

The Council's generosity to ratepayers in the matter of printed information about all its thinkings and doings has frequently been a matter of pleased contemplation. No doubt the captious may say that what it does not disclose would be far more interesting than what it does. But we are none the less grateful for these nicely printed publications which are periodically lavished upon a not always too attentive public. The latest gift is the Handbook of Local Regulations, which shows exactly where we now stand in respect of all that appertains to the government of Shanghai, truly an extensive field which ranges from fatherly advice as to "what to do when bitten" to the proper method of conveying feathers through the streets; and from the best way of making ice cream to the provision of "a good light" over the door of a public house—though whether to beckon the thirsty or guide the inebriate is not specified.

The Handbook opens with that truly remarkable code, the Land Regulations, the study of which by our permanent officials is possibly responsible in part for the directness and clarity of language remarked on above in the subsequent pages. In that History of Shanghai to which we are all looking forward, though with appetites perhaps a little dulled by expectation, a special chapter ought to be given to the drafting of these regulations. Imperfect they may be in some respects. Yet when we think how enormously Shanghai has grown and changed since it used to be spelt "Shanghae," it is little short of marvellous how completely the Land Regulations manage still to cover every branch of our daily life. All history, we are told, lay folded in the first man. And so assuredly, even if they do not say so in so many words, the Land Regulations anticipated that some wanton spirit might some day bethink him to pick up the wood paving in the Maloo or to fly kites on The Bund, and they accordingly armed the Council with powers to prevent such improper behaviour. As regards kiteflying, by the way, the regulation seems to suggest that if the owner of the kite can prove that he is not indulging in this pastime "to the annoyance of pedestrians or drivers" the Council cannot touch him. But it hardly seems worth the expense of testing the point at law, and, anyway, the kite season is over for this year. The regulations for places of public entertainment are added to by a long list of rules, longer even than those applying to Chinese theaters, to control cinematograph exhibitions. They are admirably thought out and will enable everybody to enjoy the stars of the cinema world in perfect confidence that there will be nothing to offend his taste or endanger his comfort: although why it should have been necessary to legislate against "any address or discussion on politics" (presumably between the reels) we do not understand. Who wants politics when he goes to the "movies"?





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How the War Has Affected Tin

THE market for pig tin affords a good illustration of the upsetting of business and the undermining of the usual channels of trade by the war. There are but three principal grades of tin—known as Straits, Banka and Chinese—which in respective value to consumers were rated as they are here enumerated. There are also English and Bolivian tin, but these two have always been considered of minor importance. London hitherto has always been the center of the tin trade and the principal world's market for it. The ruling prices in London governed the value of all other grades of tin, and fluctuations there were closely followed and usually had an immediate effect in New York. London was the chief trading center because the British control not only the Straits Settlements, of which Singapore and Penang are the main shipping ports, but also the Chinese product, of which the port of shipment is Hongkong. The control of these trading marts was in turn due to the control of the shipping, as nearly all the vessels were of British register,

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It was the policy of Great Britain to confine the tin trade so far as possible to London, and for this reason all consignments destined from Singapore or Penang for America had to come via London, and thence across the Atlantic, though the more direct and logical route would have been to San Francisco via the Pacific.

The British trade was in the hands of the London Metals Exchange, which was a thoroughly organized institution, whereon prices were established for all the metals, ferrous and non-ferrous. After the war had progressed for some time, and the English Government became the principal buyer of iron and steel, the control of these metals and the power to establish prices for them were taken from the Exchange and vested in the governing authorities, who were likewise responsible for their distribution. But no price was fixed for tin, which was allowed to remain under the control of the Exchange, subject to such regulations as the Government might see fit to impose from time to time. At

one time the distribution of tin was left in the hands of a body authorized by the Government and known as the London Rubber & Tin Exports Committee.

The main duty of this committee was to see that no tin by any chance fell into enemy hands and it was particularly guarded in the shipment to this country. No tin could be sent over without a shipping permit issued by the committee, who had first to be informed as to the ultimate consumers.

As Straits tin, which was the most highly prized of all the grades, had first to be carried from Singapore to London and thence to New York, there was the double risk of loss in transit, which meant a double insurance rate and caused a considerable spread in the usual parity between London and New York prices.

Then the supply of tin began to fall in London. It was known that a considerable tonnage had been sunk in transit from the Straits, and it became necessary to conserve. The allotments for America were restricted, which was naturally followed by a shortage in this country and pressure brought to bear through Washington to induce the British to increase the American allowance. But it had no effect, the limitations became even stricter. Even tin that had been bought and paid for by Americans was not allowed to come forward and many consumers here were at times forced to enter the spot market on this side and cover their wants at substantial advances while tin they owned was detained at London.

It was charged at this time that the British traders who had charge of the selection under authority of the Government were using their power to their own personal advantage; that they were sending their own tin over to be sold at a handsome profit while detaining that belonging to Americans.

A tin committee in New York was formed to look after American interests, but its influence was not strong enough to force the United States Government to take action further than to offer a mild protest occasionally.

In the meantime Banka tin, a product of the Dutch East Indies, began to attract more attention because of the difficulties of obtaining Straits, and while not considered as good a metal, it began to largely replace it. Chinese tin, too, known as 99 per cent pure, began slowly to find favor when it became impossible to procure Straits, and to-day it has taken firm hold on the consuming industries of this country.

Late in 1917 an arrangement was arrived at, evidently with the approval of the British authorities, whereby the American Iron & Steel Institute, through its sub-committee on tin, was given the control of the distribution of tin in this country. Hitherto all tin from British possessions had come consigned to the British Consul General. It was expected now that America had become an ally of Great Britain, she could be trusted to take care of the consumption of tin, and to provide an equitable distribution the present sub-committee was appointed. But, while this committee was competent to take care of distribution, it was unable to secure for Americans a larger allotment from Great Britain. But it was soon evident that instead of increasing its exports of tin the purpose of the British Government was to curtail them. Late in December of last year English regulations for the sale of tin were adopted, which eliminated all speculation in England and confined sales to legitimate consumers, and

America was to be considered as one of those who could be trusted to prevent all speculative dealing.

But the supply of Straits did not improve. It had been previously arranged that tin should be shipped to the United States direct from Singapore via the Pacific, which was a sensible move in the right direction, though the shipments were subject to the usual permit. These permits gradually became more difficult to obtain, until now Straits tin is practically eliminated from the American market.

It happened when the sale of Banka tin was at the height of its favor, that the United States and Holland had a falling out over ocean shipping, and the latter refused to allow any more Dutch vessels to sail for America, with the result that the supply of Banka tin was cut off, leaving only the Chinese product to supply the market.

It should be stated in justice to the position taken by the British in respect to Straits tin that the stocks in London declined by the end of March last to 1,190 tons, as against 2,980 tons at the end of March, 1917, or considerably more than 50 per cent. At this time, however, the stocks in the United States, other than those held by consumers for their own use, were down to 134 tons.—*New York Journal of Commerce*.

New York Produce Exchange Adopts New Rules Regulating Quality of Oils

Merchants in China will be greatly interested in the following amendments to Rules 7 and 8 regulating business among members of the New York Produce Exchange covering soya bean oil, peanut oil and China wood oil.

SOYA BEAN OIL

Sec. 6.—Fair average quality, crude, shall be oil obtained from the soya bean by pressure, not extraction, and shall be fair average quality of the season, provided, however, that the free fatty acids shall not exceed 2 per cent (calculated as oleic acid), nor moisture and impurities one-half of 1 per cent.

Sec. 7.—Prime crude soya bean oil shall be free from water and settlings, and shall refine to a color not deeper than 35 yellow and 9 red, and with a loss not to exceed 5 per cent with the use of caustic soda. If not prime, the buyer may reject.

Sec. 8.—Crude soya bean oil, sold "basis 7 per cent refining loss," shall be free from water and settlings, and refine to a color not deeper than 35 yellow and 11 red, and with a loss not to exceed 7 per cent with the use of caustic soda, provided that any oil that refines with a greater loss than 7 per cent shall not be rejected but shall be reduced in price by a corresponding per cent in contract price of the oil.

Sec. 9.—Extracted soya bean oil shall be sold on sample or guarantee with the designation of the country of origin.

PEANUT OIL

Sec. 10.—Fair average quality, crude, shall be filtered, or well settled, and be obtained by pressure, not extraction. It shall be fair average quality of the season, provided, however, that the free fatty acids shall not exceed 2 per cent (calculated as oleic acid), nor moisture and impurities one-half of 1 per cent.

Sec. 11.—Choice crude peanut oil must be made from sound peanuts, must be sweet in flavor and odor,

free from water and settlings, and shall produce, when properly refined, choice yellow oil with a loss in weight not exceeding 3 per cent.

Sec. 12.—Prime crude peanut oil must be made from sound peanuts, must be sweet in flavor and odor, and free from water and settlings, and must produce prime yellow oil with the use of caustic soda, with a loss in weight not exceeding 5 per cent; provided, that any oil that refines with a greater loss than 5 per cent, but still makes prime yellow oil, shall not be rejected, but price shall be adjusted as per Rule 7, Section 1.

Sec. 13.—Basis Prime Crude Peanut Oil.—Peanut oil sold as "basis prime" cannot be rejected outright even if it does not produce prime summer yellow refined oil. In that case, however, in addition to allowance for excessive refining loss, if any, an allowance shall be given for deficiency in quality representing the difference in value between prime summer yellow refined oil and the quality produced by the crude oil delivered.

Sec. 14.—Crude peanut oil, when not sold on any of the preceding grades, but when sold by sample, or in absence of sample, by description, must conform in quality to description or sample.

If the refining loss does not exceed 3 per cent beyond that of sample or contract description, price may be adjusted under Rule 7, Section 1. If the refining loss does exceed 3 per cent beyond that of sample or contract description, buyer may reject.

REFINED PEANUT OIL—GRADES

Sec. 15. Choice peanut oil must be sweet in odor and flavor, prime in color, clear and brilliant in appearance, and free from moisture, and shall not contain more than one-tenth of 1 per cent of free fatty acids.

Sec. 16. Prime yellow peanut oil must be clear, sweet in odor and flavor, free from water and settlings, and of no deeper color than 50 yellow and 5 red on Lovibond's equivalent color scale, and shall not contain more than one-fifth of 1 per cent of free fatty acids. Oil of deeper color than the combination standard of 50 yellow, 5 red, shall not be classed as prime.

Sec. 17. Good off yellow peanut oil may be off in flavor and odor, but must be prime in color and free from water and settlings, and shall not contain more than one-fourth of 1 per cent of free fatty acids.

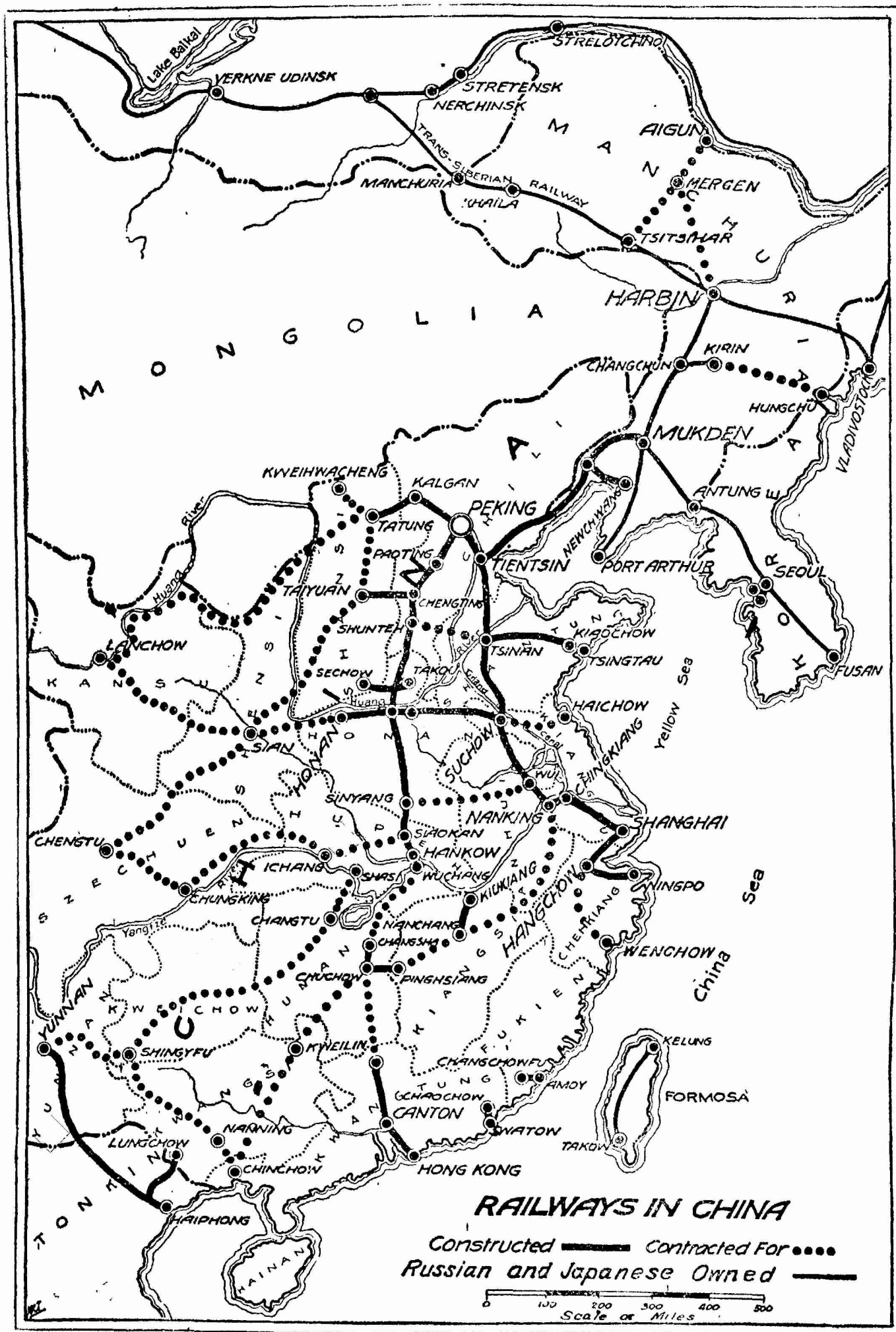
CHINA WOOD OIL

Sec. 25.—Pure China wood oil shall answer the accepted chemical requirements.

Sec. 26. Commercially prime China wood oil shall be pale in color (according to season's production), merchantably free from foots, dirt and moisture; the total impurities shall not exceed 1 per cent; but, unless otherwise provided for, impurities not plainly adulterations, up to 5 per cent, shall not justify rejection, but allowance shall be made by sellers for such impurities in excess of 1 per cent. The oil shall stand the heat test, herewith subjoined.

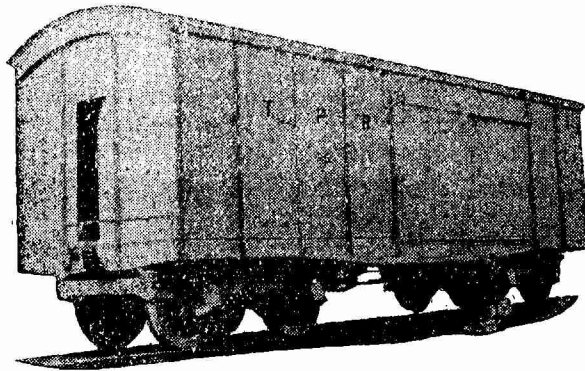
HEAT OR COAGULATION TEST FOR CHINA WOOD OIL

One hundred grams of the oil is heated in an open metal pan, 6 inches in diameter, as rapidly as possible, to a temperature of 540 degrees Fahrenheit. The time required to heat the oil from room temperature to 540 degrees should be, as nearly as possible, the same each time, four minutes being usually sufficient with gas burners. Hold the oil at or as near to 540 degrees



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One Respect in Which Chinese Railways are Managed Better

Dr. Ralph D. Fleming, of the Alexander Hamilton Institute, New York, has the following article in the organ of the Institute, which is of interest as showing what can be done in China, in this instance with railways, under efficient management:—

"We are accustomed to looking on the East as slow, decadent and living in the past, but occasionally the East 'rises to explain,' and as a result our Western pride receives a shock. Just now the railroads of the United States are in the public eye, and we hear much of such terms as car shortage, demurrage charges and terminal delay. We are beginning to question whether we have handled our railroads as well as we should have done. It will come as a decided surprise to learn that China, the land of the wheelbarrow, has managed her train movement far more efficiently. Some facts

and figures on this subject as set forth in the *Railway Age* by J. E. Baker, adviser to the Chinese Minister of Communications, are illuminating and may result in giving some of our car service experts a decided jolt.

China is one of the newest countries in railway history and yet in 1915 for every ton of freight-car there was carried 69 tons of freight as against 24 tons of freight per ton of carrying capacity in the United States in 1913. While the average haul per ton in the United States is about 145 miles as against 89 miles in China, 56 miles more, the Chinese car gets a fresh load every five days while the American car requires 15 days before it gets one. It takes more than 56 miles of haul and even delays in terminals to account for this difference of ten days.

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"Freight cars are classed as rolling stock and in China are made to live up to their name. Chinese cars are in motion nearly all the time and furthermore they are heavily loaded. This is accomplished by assessing freight charges on the capacity of the car, not on the weight of the load put into it. The shipper, therefore, loads all he can into the car, reversing the practice common in America. The railroad's problem is to prevent overloading. In the case of bulky articles the roof of the car effectively prevents this, and where open cars covered with bamboo are used, the load limit is fixed by a loading gauge placed over the loading tracks under which the car must pass.

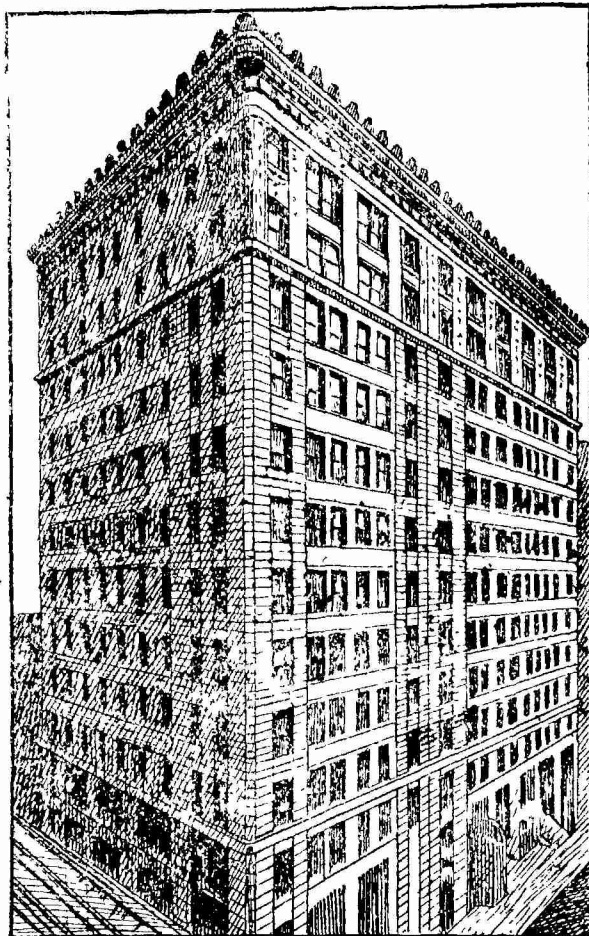
"The movement of Chinese cars is aided greatly by strict demurrage rules. Free time (time in which to unload) is 12 hours of daylight as against 48 hours after 7 a.m. in the United States. On one line, the Shanghai-Nanking, free time is only 6 hours, but if the unloading of the car has not been commenced within 4 hours after the car has been set in place, it is shunted to a godown (warehouse), unloaded by station employees, and the cost tacked onto the freight. The company also reserves the right to add a storage charge of 5 cents per ton per day for goods in the godown. This treatment would give an American shipper apoplexy but it results in freeing the cars.

"The demurrage charge, a penalty imposed for keeping cars over time, although secondary in importance to free time is a fairly stiff tax also. The rate varies on different lines from 15 cents (Mex) per ton to 50 cents. At the lowest rate a 40 ton car would take a penalty of \$6.00, a sum large enough to hire ten coolies all day. On the Peking-Mukden line the demurrage charge is \$20 a day. Some allowance is made for bad weather but no allowance is made for Sunday, since the coolie continues to work on that day regardless of the efforts made by the missionaries.

"Shipping in carload lots is favored in China because the wants of the people are so few that most of the villages are self-sustaining. All but 2% of the freight goes in carload lots and mostly in the form of heavy commodities such as coal, salt, bricks and grain. The Chinese shipper, however, has developed a great capacity for co-operation so as to get a full carload. A common method is for an innkeeper at a shipping point to consolidate several small shipments, consign them to another innkeeper at destination, and he in turn to distribute the goods according to instructions. On some lines regular forwarding companies perform this service. A concession, too, has been made to the small shipper by providing 4 wheel trucks of 10, 12 or 15 tons capacity."

as possible, stirring until it begins to solidify. Note the time required after the oil reaches 540 degrees and until it begins to solidify. This should not exceed 7½ minutes for any commercially prime wood oil. When the oil has solidified in the pan, turn it out while still hot and cut with a knife. Commercially prime wood oil gives a product that is pale, firm and cuts under the knife like dry bread, not sticking. If the oil requires more than 7½ minutes after reaching 540 degrees until beginning to solidify, or if the product is dark, soft or sticky, the oil may be rejected.

New Oriental Building in New York



The foregoing is an illustration, the first to reach China, of the new building at 78-80 Wall Street, New York, that has been leased for a period of twenty-one years by the American Pacific Development Company for its new home. The lease is said to aggregate G. \$1,250,000. In addition to the Pacific Development Company, the building will also be occupied by Andersen, Meyer & Company, Hartman Bros., the International Vegetable Oil Company and the American Machine Company. All of these companies are interested in business development in China, Japan, Russia and the Philippine Islands.

Why America Must Have Silk From Japan

From the Hochi (Tokio)

The anticipation of the third list of the restricted articles to be issued shortly by the American Government has disturbed the silk market of Japan. It has been feared that silk may be included in the third list. The price went down recently on account of the fear and though the market has recovered since it is not yet

entirely free from the apprehension, although we wish to point out various reasons that will prevent the American Government from including silk in the list. In the first place, silk is an article of necessity to the American public. Secondly, silk is now used extensively for the manufacture of airships and munitions. It is an article of war necessity. The artificial silk America produces is not fit for this purpose. Thirdly, \$5,000,000,000 is invested in the silk industry of America and more than 100,000 people are employed in it. If the American Government prohibits the import of raw silk from Japan this industry will suffer. The only conceivable reason for the prohibition of silk is the saving of bottoms, but silk does not take much space and the supposed saving will be merely nominal. Another reason that may be suggested is the prevention of the outflow of gold, but this danger is already guarded against by the gold embargo. Furthermore, if the silk trade be stopped the resulting loss will be mutual since the purchasing power of this country will be cut down proportionally. America's export of cotton and machinery to Japan will then materially decrease.

It is hoped that Ambassador Ishii will not fail to convince the Washington Government of the inadvisability of the restriction of silk for the mutual interest of the two countries. If America dares to extend her restriction measure to silk in spite of these considerations her real intention must be sought elsewhere than the contingency of the war. In that case there will be nothing for us to do but to seek other markets and compete with the American trade of finished silk goods.

Commercial and Financial Notes

A Japanese steamer on a recent trip from Hankow brought to Shanghai three hundred and seventy-eight thousand fresh eggs.

According to the *Americas* the official magazine of the National City Bank of New York, there are about 75,000,000 roubles of Russian paper money held in New York at the present time. Most of this money is held privately by individuals, for the most part as a speculation.

A San Francisco firm has a unique way of shipping eggs to interior towns in Alaska. Each case is covered by several layers of heavy paper and each egg wrapped in paper so as to prevent freezing. A proportion of each shipment is in cases of a peculiar construction that can be packed by dogs over the ice. It is said that the firm shipped last year over 4,000 cases of eggs packed in this manner.

At the Shanghai Hotels

The following guests have registered at the Astor House Hotel during the week: H. Greenfield, Hongkong; Mrs. A. I. Griffin, Hangchow; C. Gooa; J. S. Thomson; J. O. Litchfield, Chefoo; Mrs. E. Binks; H. M. Stenhouse, Denver; Miss Razario; J. Dumont; Moore Bennett, Peking; I. Yasuda, Osaka; T. Weaver, Toronto; Mr. and Mrs. Roebuck, Osaka; Mr. and Mrs. O. Bievelez, Peking; Mille Honyant, Peking; L. A. Barling, Tientsin; E. D. Pearson, Chinkiang; Dr. D. Siren, Peking; C. McCaslin, Newchwang; E. E. Caulton, Hongkong; Mrs. G. W. Atkins, Calcutta; R. F. Linton, Calcutta; O. Bilton; Baron Hayashi, Peking; T. Iaka, Nanking; Nakahata, Peking; Kan, Peking; W. Peplan; R. Denning, Local; Mr. and Mrs. A. G. Lamming; Geo. Crofts, Tientsin; C. T. Nystrow, Peking; E. Chischine, Moscow; Mrs. M. Marchall, Hankow; R. D. Epples; Frank Selby, San Francisco; R. S. Anderson; I. G. Louis Melikoff, Bangkok; J. W. Clark, Chefoo; W. Peplow; C. L. Marchall, Tokio; J. E. de Baillard, New York; H. B. Niles, Hankow; Mrs. R. B. Gibson, Manila; H. E. Martens, Peking; W. Schmits, Peking.

The following guests have registered at the Palace Hotel during the week: Y. R. Tanume; Y. Tanume, Japan; N. Justesen, Japan; F. B. Ott, Ningpo; L. C. Jones, Hangchow; Mrs. Marges, Tsingtau; Mr. and Mrs. Zitrin; Mr. and Mrs. W. S. Toller; Mr. and Mrs. Garden; L. V. Stegen, Local; Mr. and Mrs. Bieveley, Peking; E. G. S. Symmons, Mr. and Mrs. C. H. Lin, Peking; Sugawara, Peking; Takeda, Peking; Klemantaski, Harbin; C. Rasholm, New York; J. N. Pringle, New York; Chas. Bennette, Harbin; Whitwell; John J. Watts, Hongkong; E. J. Cintzburger, Hongkong; W. N. Welz, Hongkong; Mr. and Mrs. L. Villices, Cape Town; A. J. Iri; MacDonald, Hankow; Mr. and Mrs. Batley, Hankow; W. A. Mrashall; A. Eite; Mr. and Mrs. Lyons; E. T. Walker; Mr. and Mrs. Krawzoff; Baronsffakv, Hongkong; Mrs. N. Sommornkoff; Smith; Mr. and Mrs. Rogers; S. Hayakawa.

The Share Market

RUBBERS Official only	Closing Quotations, Week End. May 10	Last Quo- tation, Fri. May 17	Business Done in Shares During Week		
			High	Low	Net Chg.

Banks, Industrials, Ins. Cottons Land, Etc.

Yangtze Ins.....	207	200	200	200
Kung Yik.....	15.75	15.50	15.50	15.50
Oriental Cotton.....	53	51.00	51.00	51.00
S. and H. Wharf.....	72.50	72.50	72.50	72.50

Exchange

Bar Silver	49 $\frac{1}{8}$	No. wire	49 $\frac{3}{4}$	49 $\frac{7}{8}$
T. T. on London	4/7	4/6	4/6	4/6
Sov. Bnk. Buy. Rt.	4.44	4.44	4.44	4.44
Gold \$ Bnk. Buy. Rt. ...	93.02	93.02	93.02	93.02
Mexican	73.23	73.22	73.35	73.2
Native Int.	02	05	05	02

London Rubber Quotations

Spot	2/3 $\frac{1}{4}$	2/3	2/3 $\frac{1}{4}$	2/3
Forward	2/4 $\frac{1}{4}$	2/4 $\frac{1}{4}$	2/4 $\frac{1}{4}$	2/4 $\frac{1}{4}$
Tendency	Very Dull	Easier		

Date	Langkat Oil Output	Tons.
Week ended	May 12	363

Closing of Transfer Books & Dividends

Share	Period	Dividend

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Shanghai Stock Exchange



"Face to Face With Kaiserism"

Ex-U. S. Ambassador Gerard's
startling revelations of the

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U. S. Price. \$2.00 nett. Our Price Max. \$3.50. 1st shipment
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Some New Appleton Books

Clark: To Bagdad with the British \$2.50

First hand account of the Mesopotamian campaign by a participant, describing the heroic campaigns around Bagdad and wild rout of the Turks at Kut-el-Amara.

Capt. Musgrave: Under Four Flags for France..... \$3.50

A military expert's description of the war since 1914 in plain, every day entertaining language.

Whitehair: Out There..... \$2.50

What the boys have been doing "out there" in France, Belgium, Gallipoli, Egypt and Mesopotamia. Written by a man who has been with them all as a Y. M. C. A. field secretary.

The American Year Book (1918) \$4.50

Complete digest, in one volume, of the past year's events in war, politics, business, science, art and every other field of human endeavor. The standard year book of America—doubly valuable in this, the greatest year in American history.

Robt. W. Chambers: The Rest- less Sex \$2.50

The scene laid in New York's "Bohemia;" the heroine an adopted child whose life in New York's Greenwich Village section carries on through the activities of the Restless Sex.

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A new book for the amateur gardener, told in simple, graphic fashion.

Von Hutten: The Bag of Saffron \$2.50

One of the season's "Best Sellers." A story of a socially ambitious young woman who believes happiness can be purchased.

Hornbeck: Contemporary Politics in the Far East..... \$4.50

A book that is not only STANDARD but a mine of information about up-to-date political affairs in China and Japan.

Winslow: Home Medical Adviser (new 1917 edition.)..... \$7.50

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New Books and Publications

Economics in Relation to War

Economic Conditions of Winning the War, February 1918. 172 pp. Paper covers, \$1.50; cloth, \$2.00. Academy of Political Science, Columbia University.

AT the last annual meeting of the Academy of Political Science a highly significant series of papers and addresses was presented. These have been brought together in a volume which is now available for distribution. No more vital and authoritative discussion of economic aspects of current war problems has been issued than that afforded by this volume.

Beginning with a general review of conditions in national thought and action essential to victory, presented by Hon. D. F. Houston, Secretary of Agriculture, the successive addresses take up in orderly sequence an array of significant topics such as The Task of the Fuel Administration by Dr. Harry A. Garfield; The Meaning of the War Savings Movement by Dwight W. Morrow, Director for the State of New Jersey of the War Savings Committee; England's Effort to Pay for the War out of Savings by Hon. Basil P. Blackett of the British Treasury; Transportation and Trade Policy and the War by Calvin Tomkins; Problems before the Shipping Board by Raymond B. Stevens; The Aircraft Production Board; British Labor Policy and Its Implications for the Solution of American War Problems by Curtice N. Hitchcock, Assistant Secretary, Council of National Defense; Labor Adjustment and War Conditions by V. Everit Macy, Chairman of the Shipbuilding Labor Adjustment Board; Organized Labor and the War by Hugh Frayne, Member of the War Industries Board; Provision for the Care of the Families and Dependents of Soldiers and Sailors by Miss Julia C. Lathrop, Chief of the Children's Bureau; Soldiers and Sailors Compensation, Indemnity and Insurance by Hon. L. S. Rowe, Assistant Secretary of the Treasury; The Red Cross Home Service by W. Frank Persons, Director-General of Civilian Relief; and The Commission on Training Camp Activities by Raymond B. Fosdick.

War conditions and needs are so kaleidoscopic that most efforts at description and interpretation very speedily lose significance. It is an evidence of the high value of this volume that conclusions stated four months ago not only still hold, but show a prophetic quality of rare helpfulness and consequence in the feverishly confusing conditions of recent weeks.

Temperance Reform in America

King Alcohol Dethroned, by Ferdinand Cowle Iglehart, D. D. Pp. 376. New York: The Christian Herald. \$1. Postage, 10 cents.

The distinguishing feature of this new volume on temperance reform is its personal element. "Facts, facts, facts," Dr. Iglehart says in his preface, "are killing the liquor traffic, and hence I have packed this book as full of them as I knew how." A large portion of his facts are in the form of testimonies from men whose words must carry weight with thinking people. Even in his most abstract chapters, "Alcohol and Psychology," "Alcohol and Physiology," and "Alcohol and Litera-

ture," he draws freely upon the personal element of the equation, proof of what alcohol has done being, in his opinion, more persuasive than arguments, to show that in the nature of things it surely had to go.

Chief among the personalities called in evidence is Abraham Lincoln, whose "Attitude" fills two full chapters, and concerning whom Dr. Iglehart quotes from a number of men who knew Lincoln well and who vouch for his habit of total abstinence. One of these men died recently—Major James B. Merwin, a trusted friend of Lincoln before and after the latter became President; another was William O. Stoddard, one of Lincoln's private secretaries, who is living still, and whose testimony is positive and clear. "Lincoln was known far and near as a total abstainer," Mr. Stoddard asserted when Dr. Iglehart interviewed him; and he further stated, what has not so often been claimed, that Lincoln "carried his idea of the danger of liquor into his own life at the White House, and did the unusual, the startling thing of banishing wine from the White House." Other notable witnesses quoted are Theodore Roosevelt, William Jennings Bryan, and a host of Governors, members of Congress, etc. Handsome tribute is paid to "Fighting Organizations," and to the leading temperance reformers of the past.

In the United States Court for China

Recent Filings:

- May 13, Cause No. 556, In re Estate of William N. Brewster, deceased; petition for final discharge.
- " 13, Cause No. 619, King Ping Kee v. American Food Manufacturing Company; defendant's motion for new trial.
- " 13, Cause No. 651, In re Estate of John M. Darrah, deceased; petition for letters of special administration.
- " 14, Cause No. 652, J. Spunt & Co. v. American Machinery & Export Company; complaint.
- " 14, Cause No. 653, Petition of C. L. & J. D. Bromley for adoption of minor, Pearl Covert Wu.
- " 14, Estate No. 90, In re Estate of Asa Eastman Flagg, deceased; petition for final distribution; application for permission to pay attorney's fee; final account.
- " 14, Cause No. 410, In re Estate of Ella A. Flagg, deceased; petition for final distribution; application for permission to pay attorney's fee; final account.
- " 15, Cause No. 639, Guardianship of Cornelius Mayer-Geerts; guardian's report.

Hearings:

- May 13, Cause No. 556, In re Last Will and Testament of William Nesbitt Brewster, deceased; on petition for appointment of administrator.
- " 13, Cause No. 651, In re Estate of John M. Darrah, deceased; on petition for letters of special administration.
- " 13, Cause No. 562, In re Last Will and Testament of W. A. P. Martin, deceased.
- " 16, Cause No. 615, Chinese-American Company v. Wm. H. Tenney.

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IN THE UNITED STATES COURT FOR CHINA

In re Estate of MARGUERITE DODDS, Deceased.	Cause No. 650 Special (Administration) Proceeding No. 246 NOTICE TO CREDITORS
---	--

Notice is hereby given to all parties interested that the undersigned has been appointed Administratrix of the above named decedent's estate; that all persons having claims against the said estate are required to present the same for payment, with vouchers, to the undersigned on or before October 28, 1918, and all persons owing the said deceased are required to make payment to the undersigned.

AMY R. HOLWAY,
 Administratrix,
 Bridgeman School, West Gate,
 Shanghai, China.

April 29, 1918.

- May 16, Cause No. 653, On petition of C. L. & J. D. Bromley for adoption of minor, Pearl Covert Wu.
 „ 17, Cause No. 615, Chinese-American Company v. Wm. H. Tenney.

Judgments and Orders:

- May 13, Cause No. 651, In re Estate of John M. Darrah, deceased; order appointing special administrator.
 „ 17, Cause No. 578, Chong Kee v. The Robert Dollar Company; decision.
 „ 17, Cause No. 556, In re Estate of William N. Brewster, deceased; order approving final account and directing distribution.

Assignments for Hearing:

- May 18, Cause No. 619, King Ping Kee v. American Food Mfg. Co.; on defendant's motion for new trial.
 „ 27, Cause No. 642, Marco, Finkelstein & Co. v. The Barkley Co.
 „ 27, Cause No. 643, S. Heimann & Co. v. The Barkley Co.

SUNG PING SUNG DOING BUSINESS UNDER THE NAME AND STYLE OF CHONG KEE, PLAINTIFF, *vs.* THE ROBERT DOLLAR COMPANY, A CORPORATION, DEFENDANT.

(Filed May 17, 1918)

SYLLABUS

1. *CONTRACTS: Performance: Question of Law.* Whether articles furnished under a contract comply with its specifications is a question of law.
- 2.—: The American law does not exact literal compliance in such a case.
- 3.—: *Substantial performance* is nevertheless required and that phrase must be interpreted with reference to the purposes for which the goods were ordered.
- 4.—: If part only of a consignment substantially complies with the specifications the vendee is not obliged to accept delivery.
- 5.—: *Rule applied.* Where plaintiff ordered for sale to retailers, a quantity of nails which were found to vary in great part from the specifications, proof of substantial performance must include a showing that the variations will not affect salability in the retail trade.
- 6.—: *Advance Payment.* Without such a showing the vendor is not entitled to retain advance payments.

Messrs. E. W. Godfrey and Jernigan, Fessenden & Rose, by Mr. Rose, for plaintiff.

Messrs. Fleming & Davies, by Mr. Fleming, for defendant.

LOBINGIER, J.:

The plaintiff who is a "general metal dealer in Hankow" brings this action to recover advance payments made on contracts of which the petition alleges:

"3. That on or about the 15th day of March 1916 plaintiff and defendant entered into a certain contract or contracts in writing whereby plaintiff agreed to buy from defendant and defendant agreed to sell to plaintiff 4000 and 1000 kegs of nails upon the terms and conditions in the aforesaid contract or contracts set forth.

"4. That one of the terms and conditions of the aforesaid contract or contracts is a warranty on the part of the said defendant that the aforesaid nails shall conform to and be in accordance with a certain specification in said contract or contracts set forth. * *

"7. * * * plaintiff on or about the 15th day of March 1916 paid or caused to be paid to the said Chartered Bank of India, Australia and China or to defendant the respective sums of Hankow taels 14,400 and Tls. 3600. * *

"12. That on or about the 12th day of December 1916 plaintiff notified defendant that the whole quantity of nails tendered by defendant did not conform to and were not in accordance with the specification in said contract or contracts set forth and that plaintiff would not accept the nails tendered by defendant in performance of the aforesaid contract or contracts and at the same time made demand upon defendant for the return of the bargain money deposited as aforesaid."

The prayer is for judgment in the sum of Hankow Taels 18,000 with interest at 6% per annum from the date of payment.

None of the foregoing averments are expressly denied, and the first three are expressly admitted, in defendant's answer which further—

"alleges that the nails tendered the plaintiff herein pursuant to the terms of said contracts were according to the specifications mentioned therein and that the shipment of the same was made according to and in compliance with the terms and conditions of said contracts; and defendant denies each and every allegation in said petition contained that is inconsistent herewith."

This last averment raises the one issue to which the case was finally reduced before trial and practically all of the evidence relates to the single question whether "the nails tendered * * * were according to the specifications."

The contracts (Exhibits "A" and "B") provide that "specification is guaranteed * * * as per copy on the back of this contract," the indorsement of the first being as follows:

"SPECIFICATION FOR 4,000 KEGS WIRE NAILS

1" X 16	1 1/4" X 15	1 1/2" X 14	1 3/4" X 13	2" X 13
394	356	364	666	692
2 1/4" X 12	2 1/2" X 11	2 3/4" X 10	3" X 10	3 1/2" X 9
384	416	32	223	144
4" X 8	4 1/2" X 7	5 X 6	6 X 5	6 1/2" X 4
148	80	64	14	7
				16

It is conceded that plaintiff never accepted any portion of the nails and that the defendant has the whole consignment as well as 30% of the purchase price. In order to justify its retention it must show that plaintiff was at fault in not accepting delivery and that the nails were of such a quality as he had no right under the contract to reject.

To avoid the burden of inspecting the entire contents of the five thousand kegs the parties, thru their respective counsel, entered into an arrangement under which the consular court marshal at Hankow in the presence of said counsel "took samples of each keg of nails which was opened by order of the litigant" and attached the same as exhibits to a deposition which, pursuant to stipulation, has been received in evidence. There are seventy-five of these exhibits, each containing three nails, and an inspection was made in open court by one of defendant's witnesses who tested the samples with a "Stubs Wire Gauge" (pp. 19-32) which is admitted (p. 40) to be "exactly the same as the Birmingham Wire Gauge," the latter being agreed by all the witnesses (pp. 5, 9, 40, 60, 61) to be the gauge generally used for the hardware trade in China. According to this witness a large proportion of the samples varied one gauge or more from the specifications. Defendant's counsel objects that the witness "had no scientific or technical knowledge on the subject" but, as he elsewhere concedes, "it does not require any particular training or education to test a nail."

Another witness whose deposition was taken at Hankow, states that out of sixteen different samples which he examined only three were found to gauge correctly. Counsel again objects that the nails which this witness examined are not identified but on cross-examination he testified (dep. p. 3) that his

own firm had been "negotiating to purchase a good portion of these particular nails from The Robert Dollar Company;" they are also referred to (dep. p. 6) as "the five thousand kegs;" and plaintiff (dep. pp. 5, 7) refers to the nails in question as those which the said witness inspected. The identification seems, therefore, to be sufficient.

But we have not relied upon these witnesses alone, nor chiefly, for, following the suggestion of defendant's counsel in his brief that the court examine the samples and make its own test, such an inspection has been made with the result that out of the entire 225 samples only 5.78% are found to conform exactly to the specifications, while practically 17% vary more than one gauge therefrom.

In construing a contract for the construction of a monument the Vermont Supreme Court declared¹ that—

"It was a question for the court to say whether the monument was a compliance with the contract."

And that it was error to submit—

"To the jury the question whether the variations shown were a departure from the contract."

The court further said in its opinion—

"While many of the variations were so slight that essentially they were such as the contract called for, there were others that we must hold were a substantial departure from the contract. Thus the plinth was more than 12 per cent longer, and the cap more than 28 per cent thicker, than the contract dimensions."

It will be seen that the average percentage of the two departures is about the same as that shown by our test.

II

The American law does not exact a literal compliance with the terms of such a contract.² Thus a variation of one eleven-hundredth³ or even of one seventy-fifth⁴ from the requirements as to quantity will not prevent recovery; but an exhaustive search has disclosed no case where a difference of 17% or anything approaching that much was excused. For the law does require a substantial performance⁵ and that requirement must be applied with reference to the purposes of the contract. In the case at bar it is conceded that the nails were contracted for in order to be re-sold by plaintiff to small Chinese dealers and we have to determine whether in view of the variations above shown, and which are not disputed by any of defendant's testimony, there was such a substantial performance as would have enabled plaintiff to resell without meeting objections as to quality. In the state of the pleadings above outlined we are of the opinion that the burden of proof rested upon defendant to show such performance and in reviewing the testimony we shall consider first that of defendant's witnesses in order to ascertain how it has met that burden.

1. *Cutler v. Dix*, 67 Vt. 347, 81 Atl. 780.

2. *Nebraska*. *Craig v. Weitner*, 33 Neb. 484, 50 N. W. 442.

New York. *Desmond-Dunne Co. v. Friedman-Doscher Co.*, 162 N. Y. 486, 56 N. E. 995, and cases cited.

Pennsylvania. *Phillips v. Wayman*, 201 Pa. 249, 50 Atl. 767.

Vermont. *Drew v. Goodhue*, 74 Vt. 436, 52 Atl. 971.

Wisconsin. *Meincke v. Falk*, 55 Wis. 427, 13 N. W. 545.

3. *Drew v. Goodhue*, 74 Vt. 436, 52 Atl. 971.

4. *Desmond-Dunne Co. v. Friedman-Doscher Co.*, 162 N. Y. 486, 56 N. E. 995.

5. *Federal*. *Heine Safety Boiler Co. v. Francis Bros. & Jollett*, 117 Fed. 235.

Ohio. *Mehurin v. Stone*, 37 O. St. 49.

Vermont. *Cutler v. Dix*, 67 Vt. 347, 81 Atl. 780.

Washington. *Schmidt v. North Yakima*, 12 Wash. 121, 40 Pac. 790.

Wisconsin. *McDonald v. Gardner*, 56 Wis. 35, 13 N. W. 689.

See also Page, on Contracts, III, Sec. 1389.

In the cross-examination of defendant's co-manager the following occurs: (pp. 71, 73, 74)

"Would you consider the Chinaman in normal times would have been entitled to reject those goods as not being up to specification?"

"A. He would."

* * *

"I would ask you to reconsider your previous answer; do you say that as a cargo, as a whole, this was up to specification; apart from war conditions it was up to specification?"

"A. No, I would not; in those few cases I would think they were too much."

* * *

"Q. What I want to know is whether they would be entitled to reject it."

"A. I think they would; whether they would be entitled to reject all that is the point."

"Q. You think they would be entitled to reject a portion?"

"A. Yes, a portion of the cargo."

As to this last point the law has thus been stated in an instruction which was approved by a court of high standing—

"If there was a material variation between what he contracted for and what they furnished, there could be no recovery. In that case there could be no recovery, even for a part. This was an entire contract, under which Phillips, Nimick & Co. agreed to furnish 375 plates, and the defendant was not bound to accept part of those plates and pay for part of them. He was entitled to a performance of the contract as a whole."⁶

Another of defendant's witnesses whose testimony counsel contends is "of great value because he is in charge of the import department of a large American commercial house and had a large experience with the metal trade," testifies on cross-examination as follows (pp. 57, 58):

"Q. Merchants, dealers contracting for nails to be imported always specify the particular numbers of the gauges which they require?"

"A. Yes."

"Q. And if they want nails of gauge 15 they will order nails of gauge 15 specifically?"

"A. Yes."

"Q. Apart from war conditions, would you consider that if a dealer ordered nails of 15 gauge and you supplied him with, say, 14 gauge, that you had carried out your contract?"

"A. No, I think that is a little bit too large."

"Q. The difference is too large?"

"A. Yes. If we ordered 15 and they went into 14 too easily I would think that."

"Q. And apart from war conditions, you wouldn't consider strictly that you had carried out your specification?"

"A. If there was a whole gauge difference I would not."

* * *

"Q. Suppose you had a nail 1 1/4" by 15 gauge specification and the nails arrived too large for a 14 and too small for a 13?"

"A. And supposed to be 15?"

"Q. Yes, and arrived between 13 and 14."

"A. The gauge then would be between 13 and 14."

"Q. As an importer you wouldn't consider that you had carried out your contract."

"A. That is too large a leeway."

"Q. Suppose you specified, for instance, nails of 1" by 16 gauge and the goods received were between 14 and 15, that is, too small for 14 and too large for 15, you wouldn't consider that as carrying out your contract?"

"A. That is too much."

"Q. Suppose you specified 3 1/2" by 9 gauge and the nails on delivery were too small for 7 and too large for an 8?"

"A. Too big a difference if it comes down to a real show-down."

"Q. Would the same apply to specification 3" by 10 gauge where the gauge was found to be between 8 and 9?"

"A. The same."

Our test shows that nearly 20% differed "a whole gauge" or more—mostly more—from the specifications, which according to the witness just quoted would constitute a failure of compliance.

Still another witness for defendant, a civil engineer, gave the following testimony on cross-examination (p. 51):

6. *Phillips v. Wayman*, 201 Pa. 249, 50 Atl. 767.

"Q. In determining whether or not these samples came up to specification, if you found the variation of one gauge either way in a nail for which the specifications called for 3" by 10, would you consider that that sample was up to specifications; the specification is 3" by 10 but you found it varied one gauge either way?"

"A. No, I wouldn't, not quite."

* * *

"Q. If a dealer came to you with a sample of a nail the specifications in the contract were 1 1/4" by 15 and the nail gauged 1 1/4" by 14, would you consider that the nail supplied was up to the specifications?"

"A. Well, it is not the same as the specification but I would advise him to accept it."

In reply to defendant's counsel, on re-direct examination, the same witness testified (p. 53):

"Q. Would you consider it was a substantial compliance?"

"A. If you go by the actual letter of the specification it is not."

"Q. You as an architect, you would consider it as compliance and accept it."

"A. I would accept it."

It will be observed that according to this witness the "substantial compliance" which the law requires is lacking here.

Defendant called also another engineer who stated (p. 43) that his experience had been "entirely with the use of nails" and who expressed the opinion (p. 44) that "for actual use * * * the variation of one gauge either way would not make any difference in the common nail." He added, however (p. 43):

"I wouldn't say that the gauge is immaterial; I would say that if I were ordering one-inch nails I would expect to get the gauge near the standard."

Defendant also called an architect who stated (p. 48) that he had never given an order for nails but that in his work as an architect he would consider immaterial a variation of not more than one gauge.

As to both of these last mentioned witnesses it must be remembered that our test showed that nearly 17% of these nails varied more than one gauge, while out of 108 samples tested by the witness first above mentioned 25% varied to the same extent according to our test. Moreover, we must also remember that plaintiff was ordering not for his own use nor for actual construction purposes but only for sale and that in such a case it is not sufficient that the commodity offered by the vendor is "equally as good" for some purposes as that ordered by the vendee; for the latter is entitled to receive the precise article for which he contracted.⁷ In one case where the contractor in constructing a burial vault used four marble slabs where but one was specified, the court said:

"It is quite immaterial whether in the judgment of the plaintiffs or others, the structure, as completed, was as durable as the one contracted for or not. It was the right of the defendant to consult his own judgment and taste and to provide for the construction of a vault that would best accord therewith; and having provided by the specifications of his contract for a foundation of a given character, and for one block of marble to fill the gable of the vault, he was entitled to a substantial compliance by the plaintiffs with the terms agreed upon, before he could be called upon to pay any part of the agreed compensation."⁸

It may be that the nails tendered plaintiff in this case were as salable as if they had met the specifications of the contract but we could not so find upon the evidence above reviewed. Defendant's witnesses do not claim to know about salability and some of them, as we have

seen, frankly admit that the specifications of the contract are not complied with.

And if such is the showing made by defendant we are left much more in doubt as to its sufficiency as a basis for a finding in defendant's favor when we come to consider the evidence of the plaintiff's witnesses. For they, including a salesman of the United States Steel Products Company (p. 7), and another, engaged in importing nails among other commodities (p. 9), express the opinion that a variation of one gauge would prevent compliance with these specifications. Under the rule above stated that such compliance is a question for the court, such evidence might have been excluded, had objection been made; but that would have required the exclusion also of defendant's evidence of the same character which would practically have left it without any evidence of compliance whatever.

It may also be true, as defendant's counsel contends, that war conditions in America have made it much more difficult to comply with specifications as to commodities like that involved here. But it must be remembered that these contracts were entered into on March 15, 1916, more than a year before America's entry into the war, and that the contracts themselves provide a remedy for such difficulties in that delivery is expressly made "subject to the goods being obtainable." Under this provision defendant would seem to have been justified, upon finding, if it did, that nails of the character specified could not be obtained, in canceling the contract. But if it preferred to waive that privilege and to offer delivery in spite of adverse conditions, it can only retain the partial payment received, by delivery according to contract. The war conditions, in other words, would have provided it, thru the clause above quoted, an apparently valid defense to an action for failure to deliver but not to an action like this to recover money paid on the assumption that delivery would be made according to specification which, it is practically admitted, has not been done.

The statement of defendant's co-manager at the close of his testimony as to an offer to replace the cargo does not support any averment of the answer which alleged, as we have seen, "that the nails tendered were according to the specifications." To consider that evidence now when plaintiff had no warning of it in the pleadings, would violate elementary rules and lead to the determination of a point foreign to the issues.

Believing that it would be inequitable as well as contrary to law for defendant to retain this money without a stronger showing of substantial performance than has been presented here, we have no alternative but to find for the plaintiff.

It is accordingly considered and adjudged that the plaintiff have and recover from defendant Hankow Taels 14,400.00 and Taels 3,600.00, with interest thereon at 6% per annum from April 23, 1917, the date of the petition. The rate of interest is fixed according to the Act of Congress of March 3, 1901,⁹ and runs from judicial demand.¹⁰

9. 31 U. S. Stats. at Large, Ch. 854, Sec. 1178.

10. Cyc. XXII, 1544, 1545.

By the Court,

CHARLES S. LOBINGIER,
Judge.

7. *Indiana*. Lowry v. Cooper, 21 Ind. 269; Alexander v. Dunn, 5 Ind. 122.

Kentucky. Mason v. Cowan, 1 B. Mon. 7.

Ohio. Mehurin v. Stone, 37 O. St. 49.

8. Mehurin v. Stone, 37 O. St. 57.